

ANNUAL REPORT

IOWA DEPARTMENT OF JUSTICE ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION

**Fiscal Year 2002 Annual Report
July 1, 2001 - June 30, 2002**

**IOWA ATTORNEY GENERAL TOM MILLER
MARTI ANDERSON, DIVISION DIRECTOR**

MISSION STATEMENT

The mission of the Crime Victim Assistance Division and the Crime Victim Assistance Board is to advocate for the rights and the needs of crime victims and ensure that all crime victims and survivors will be treated with respect and dignity.

Adopted January 28, 2000

**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION
FISCAL YEAR 2002 REPORT**

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CRIME VICTIM ASSISTANCE DIVISION

DIRECTOR'S COMMENTS

Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world.

Eleanor Roosevelt

Eleanor Roosevelt, the first U.S. ambassador to the United Nations, worked for human rights on a world stage. Nevertheless she knew that human rights begin at a more basic level than nations and states. They begin in the heart, home, and community.

The crime victim rights movement is based on the conviction that people have a basic right to be safe. All persons have the right to be safe from harm by others everywhere; at home, at work, at leisure, on city streets, on town squares, and on country roads.

Iowa criminal law regulates harmful and destructive behaviors that rob a person of the right to be safe. The *criminal* justice system has evolved a primary mission over two centuries of dealing with offenders through confinement, punishment, and rehabilitation.

Thirty years ago victim service was introduced to the Iowa justice system. Victim rights advocates assert that, to achieve justice, the state must provide support and assistance to victims of crime and hold criminals more directly accountable for the harm they caused. Victim rights and services have been developed in both the government justice system and the private service sector.

The Iowa City Rape Victim Advocate Program became the first Iowa victim service in 1973. By decade end, 17 communities were setting up sexual abuse programs. The Polk County Family Violence Center opened in 1978. By the next decade end, there were 23 domestic abuse programs in the state. Soon, programs for victims of drunk drivers, teen victims, and the survivors of homicide victims emerged. By 2000, nearly 30 prosecutors had victim witness coordinators in their offices. Today there are over 100 programs in Iowa that provide information, advocacy, and support to crime victims.

State government became involved in victim services in 1979 with appropriations that helped fund domestic abuse programs and that paid for forensic sexual abuse examinations. By 1986 laws were on the books giving victims the right to receive case information, file victim impact statements, receive restitution for financial loss, and apply for compensation of injury related expenses.

Roosevelt said human rights begin in places so small that they don't show up on maps of the world. The rights to safety and justice are carried in the hearts and vision of victim service advocates, justice professionals, and all who work to keep us safe. Rights begin with laws that address the needs of crime victims as an essential element of justice. The work for safety and justice begin with a vision and hope for a world in which people don't hurt one another, and where we take care of those who are hurt.

To live fully, we must be free. To be free, we must be safe. To be safe, we must have justice. To have justice, we must restore those harmed and hold offenders accountable. It starts in small places close to home. It starts in our hearts.

CRIME VICTIM ASSISTANCE DIVISION ACKNOWLEDGMENTS

The work of the Iowa Attorney General's Crime Victim Assistance Division cannot be accomplished without the assistance of others. Multi-disciplinary cooperation and joint government/private sector efforts are key to providing the services victims need and deserve.

The Crime Victim Assistance Division acknowledges collaboration and support from the following Iowa agencies and organizations. We thank them for sharing their time and expertise with CVAD in FY2002.

- Iowa victim service providers
- Iowa law enforcement agencies
- Iowa County Attorneys Association
- Other Divisions of the Attorney General's Office, especially the
 - o Prosecuting Attorney Training Coordinator
 - o Area Prosecution Division
 - o Criminal Appeals Division
 - o Administrative Services Division, and the
 - o Administrative Law Division
- U.S. Attorney's Office for the Southern District of Iowa
- U.S. Attorney's Office for the Northern District of Iowa
- Iowa Department of Corrections
- Governor's Office of Drug Control Policy
- Iowa Department of Public Health, Violence Prevention Office
- Iowa Department of Human Rights, Commission on the Status of Women
- Iowa Organization for Victim Assistance
- Iowa Coalition Against Sexual Assault
- Iowa Coalition Against Domestic Violence
- Red Cross of Central Iowa

The CVAD thanks the members of the Attorney General's Crime Victim Assistance Board who are appointed but serve as volunteers. They develop thoughtful policies and guiding principles for Division staff.

We thank the interns and Mailing Mommas who donate their time to the Crime Victim Compensation Program. And we thank the volunteers who donated their time and expertise to review applications for grants to the Victim Services Grant Program.

ATTORNEY GENERAL'S CRIME VICTIM ASSISTANCE BOARD

Under Iowa law, the Crime Victim Assistance Board is appointed by the Attorney General and is required to meet a minimum of four times annually. The Board adopts administrative rules for the programs of the Crime Victim Assistance Division. The Board also conducts hearings and renders decisions on appeals of division program decisions.

The Crime Victim Assistance Board met six times during Fiscal Year 2002. Five meetings were in Des Moines and two were conducted by conference telephone call. Iowa Code section 915.82 mandates that membership of the Board include two persons who have been crime victims, a victim service provider, a county attorney, two law enforcement professionals, a hospital emergency medical practitioner, a licensed psychologist or social worker, a person who represents older Iowans, and a criminal defense attorney.

Crime Victim Assistance Board Members January 2003

Kathy Dolan, R.N., Chair, St. Luke's Hospital, Cedar Rapids (2004)*

Fred Scaletta, Iowa Dept. of Corrections, Des Moines (2005)

Margaret Sanders, Council on Sexual Assault & Domestic Violence,
Sioux City (2004)

Ron Bonnett, Taylor County Attorney, Bedford (2003)

Ruth Mosher, Represents Older Iowans, West Des Moines (2005)

Edward Origer, Represents Crime Victims, Ankeny (2003)

Mark Smith, State Public Defender's Office, Des Moines (2005)

Paul Fitzgerald, Story County Sheriff, Nevada (2003)

Patty Beaird, Represents Crime Victims, Keokuk (2004)

Rich Joens, LISW, Licensed Social Worker, Des Moines (2004)

* Board member terms end in July of the noted year.

**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION STAFF**

Administration

Doug Marek, Deputy Attorney General for Criminal Justice
Marti Anderson, LISW, Crime Victim Assistance Division Director
Alison E. Walding, Training and Education Coordinator
Kristi Etzel, CPA, Division Accountant
Mary Tabor, Assistant Attorney General, Counsel to the Board and Division

Support Services

Edie Omlie, Lead Secretary
Sharon Lyons, Secretary
Michaela Malloy Rotert, Secretary
Grace Armstrong, Accounting Technician

Victim Services Grant Program

Virginia W. Beane, Administrator for the Victim Services Grant Program
Ruth Wright, LBSW, Grant Services Coordinator
Becky Kinnamon, VAWA Grant Administrator
Donna Phillips, VAWA Assistant Grant Administrator

Crime Victim Compensation and Sexual Abuse Examination Payment Programs

Julie Swanston, MPA, Administrator for the Crime Victim Compensation and
Sexual Abuse Examination Payment Programs
Melissa Miller, Restitution and Subrogation Collection Coordinator
Ruth Walker, Crime Victim Advocate
Kirstin Isenhardt, Claims Specialist and Quality Control
Tedd Peso, Claims Specialist and Quality Control
Kimberly Kluxdal, LBSW, CADC, Claims Specialist and Quality Control
Anne Kaercher, Claims Specialist
Nicole Stutzman, Claims Specialist
Katie Kuhr, Claims Specialist
Mary Kay Bartine, Claims Specialist
Shonna Swain, Claims Specialist

CVAD staff who resigned in 2002

Sheri Floyd, Claims Specialist
Carole Meade, MA, Claims Specialist

IOWA DEPARTMENT OF JUSTICE ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION

OVERVIEW

The Crime Victim Assistance Division (CVAD) of the Attorney General's office was established by the General Assembly in July 1989 to consolidate programs for crime victims at the state level. The Division was the first state level office established for the sole purpose of assisting victims of crime and the programs that serve them.

The Crime Victim Assistance Board is established by statute and appointed by the Attorney General. The Board oversees the development and application of administrative rules and program appeals for the Division.

The CVAD is a division of the Criminal Justice Bureau of the Attorney General's Office. The CVAD is responsible for administration of the following programs in Iowa:

- **The Crime Victim Compensation Program**
- **The Sexual Abuse Examination Payment Program**
- **The Victim Services Grants Program:**
 - **Federal Victims of Crime Act funds**
 - **Federal Violence Against Women Act funds**
 - **Federal Family Violence Prevention & Services Act funds**
 - **State Domestic Abuse funds**
 - **State Sexual Abuse funds**
- **The Iowa Crisis Response Team**

The Crime Victim Compensation Program, Sexual Abuse Examination Program and Federal Victims of Crime Act are funded entirely from fines and penalties assessed state and federal convicted criminals.

The state Domestic Abuse and Sexual Abuse funds, and federal Family Violence Prevention and Services Act and Violence Against Women Act funds are appropriated annually from state and federal general funds.

The Iowa Crisis Response Team coordinated by the Division is comprised of 130 nationally trained volunteers. Funds that support the team come from private donations and criminal fines and penalties.

ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION STATE FISCAL YEAR 2002 BUDGET

<u>RESOURCES</u>	<u>REVENUE</u>	<u>SOURCE</u>
VOCA Compensation funds*	\$1,035,000	U.S. Dept. of Justice
OWI Civil Penalties*	\$1,686,150	IDOT penalty for drunk drivers
Criminal Fine Surcharge*	\$3,943,049	IDOC fine surcharge from offenders
Restitution recovery*	\$440,684	Iowa Clerks of Court from offenders
Subrogation recovery*	\$155,449	Victim civil law suit settlements
Inmate wage deposits*	\$83,317	IDOC from incarcerated offenders
Iowa Income Tax Check-off	\$76,010	Individual tax payers
Domestic Abuse funds	\$1,609,577	Iowa General & Comp Funds
Sexual Abuse funds	\$905,387	Iowa General & Comp Funds
VOCA Assistance funds	\$3,973,331	U.S. Dept. of Justice
Family Violence Prevention & Services Act funds	\$1,116,548	U.S. Dept. of Health & Human Serv.
<u>REVENUE SUMMARY</u>		
Total FY02 Revenue	\$15,024,502	All Sources Listed Above
FY01 Comp Fund Reserve Balance	\$3,871,254	Compensation Fund
TOTAL FY02 FUNDS AVAILABLE	\$18,895,756	Revenue & Comp. Fund Reserve

* Revenue deposited in the state Compensation Fund.

<u>OBLIGATIONS</u>	<u>EXPENDITURES</u>	<u>SOURCE</u>
Legislative Budget Transfer	\$1,000,000	Compensation Fund
Staff Operating Expenses	\$1,447,413	Compensation Fund & Grant Admin.
Victim Compensation claims*	\$3,356,130	Compensation Fund & Grant Admin.
Sexual Abuse Exam. claims*	\$483,585	Compensation Fund
Collection Expenses	\$61,138	Compensation Fund
Grants to local programs:		
Victims of Crime Act	\$3,775,431	U.S. Dept. of Justice
FVP&S Act	\$1,060,721	U.S. Dept. of Health & Human Serv.
Domestic Abuse**	\$1,658,223	Ia. Gen. & Comp. Funds, Tax Ckoff
Sexual Abuse**	\$932,751	Ia. Gen. & Comp. Funds, Tax Ckoff
TOTAL FY02 EXPENDITURES	\$13,775,392	

* Claims expenditures are counted for the fiscal year in which they are approved and payment is ordered.

** Includes funds from the General Fund appropriation, state income tax check-off, and Compensation Fund Committed to domestic abuse and sexual abuse service grants as authorized in Iowa code Chapter 915.

CRIME VICTIM ASSISTANCE DIVISION CRIME VICTIM COMPENSATION PROGRAM

DETAILED REPORT FISCAL YEAR 2002

The Crime Victim Compensation Program provides financial assistance to victims who have suffered personal injury as a result of a criminal act. Benefits are awarded for out-of-pocket expenses and lost wages related to emotional and physical injury suffered by the victim and the victim's family as a result of the crime. In addition, the victims may receive compensation for lost wages related to cooperation with the investigation and prosecution of the crime. The program does not compensate victims for damaged or stolen property.

ELIGIBILITY

To qualify for compensation the applicant must be a person who suffers personal injury, death, or a substantial threat of personal injury or death as a result of a crime committed in Iowa. Iowa residents who are victims of a crime committed in a state, or country, which does not have a compensation program also may be eligible for assistance from the Iowa program. The Crime Victim Compensation Program is available to all crime victims regardless of their means and income. Benefits are reimbursement of a victim's actual out-of-pocket expenses and lost wages.

Eligible persons include those emotionally or physically injured by the following crimes:

Homicide	Assault	Vehicular Homicide
Domestic Abuse	Kidnapping	Drunk or intoxicated Driving
Adult Sexual Abuse	Robbery	Hit and Run Driving
Child Sexual Abuse	Stalking	Reckless Driving
Child Physical Abuse	Home Burglary	Drunk or Intoxicated Boating
Attempted Murder	Arson	Other Violent Crimes

Applicants must meet the following criteria:

1. A report **MUST BE** made to law enforcement within 72-hours of the occurrence of or discovery of the crime. This requirement may be waived if good cause is shown.
2. An application **MUST BE** filed with the Compensation Program within two years of the occurrence of or discovery of the crime. This requirement may be waived if good cause is shown.
3. In the case of child abuse or dependent adult abuse by a caretaker, the crime must be reported to the Iowa Department of Human Services. There is no time limitation for making a report of a child or dependent adult's abuse by caretaker.
4. The victim must not have been assisting, attempting or committing a criminal act that caused their injuries.
5. The victim must not have consented to, provoked, or incited the crime that caused the injuries.

BENEFITS

The maximum benefits established in Iowa Code Chapter 915 for a victim in Fiscal Year 2002 were:

- \$15,000 **Medical** expenses for the victim;
- \$3,000 **Medical** expenses for the survivors of homicide victims;
- \$7,500 **Funeral and burial** expenses;
- \$2,000 **Loss of support** for a dependent of a deceased or disabled victim;
- \$6,000 **Lost wages** for work missed due to injury from crime;
- \$1,000 **Lost wages** for work missed due to criminal justice proceedings;
- \$1,000 **Lost wages** for work missed to take a minor or dependent victim to medical and counseling services;
- \$3,000 **Counseling for a victim**, by a qualified professional;
- \$1,000 **Counseling for a victim's family/household member** by a qual. professional
- \$3,000 **Counseling for the survivor of a homicide victim**, by a qualified professional;
- \$1,000 **Clean-up expenses** for a residential crime scene and,
- \$100 **Replacement of clothing or bedding** held as evidence.

APPLICATION PROCESS

The Crime Victim Compensation Program has a simple application form. The form is contained on a postage paid card attached to the program brochure. The program also has a toll free number and accepts applications by telephone. The program has an advocate on staff to assist victims with filing applications and finding other resources. Information about the program is available on the Internet at www.state.ia.us/government/ag/cva.html.

Program brochures and applications in English and Spanish are available from the program, county attorneys, hospitals, law enforcement agencies, victim service programs, and other public agencies. Applications can be filed by mail, by telephone at 1-800-373-5044, or by fax at 515-281-8199.

On receipt of an application, a thorough investigation is conducted to determine eligibility of the applicant and the amount of benefits to be awarded. In FY02, the average processing time from receipt of the application to eligibility determination was 9.1 weeks. The average paid per claim was \$1,630. The applicant is notified by mail of the program decision. Approved claims may result in benefits paid directly to a service provider or to a crime victim for their out-of-pocket expenses.

Applicants who are denied compensation or who disagree with the amount of a benefit payment may request reconsideration of the decision by the Division Director. If an applicant disagrees with the decision of the Director, he or she may appeal that decision to the Crime Victim Assistance Board. Decisions of the Board may be appealed to the Iowa District Court.

No tax dollars fund the Crime Victim Compensation Program. Funding for the program, as well as all operational expenses, come from the Compensation Fund established in Iowa Code section 915.94. The Compensation Fund is comprised of fines and penalties paid by criminals including:

- ❖ \$100 of the \$200 penalty imposed on offenders for operating a vehicle while intoxicated;
- ❖ 18% of the state's 95% share of the 30% surcharge on criminal fines;
- ❖ Federal Victims of Crime Act (VOCA) funds;
- ❖ Offender restitution;
- ❖ 5% of all wages made by incarcerated offenders outside a corrections institution; and
- ❖ Settlements and awards from civil suits filed by or on behalf of victims against the offender or other party responsible for the crime (subrogation).

CRIME VICTIM COMPENSATION PROGRAM FY02 INITIATIVES AND ACCOMPLISHMENTS

Outreach Efforts: In FY02 the Education Coordinator worked with both the Compensation Program and the Grants Program to heighten outreach activities and public awareness of the Crime Victim Assistance Division programs. Training was done across the state with law enforcement agencies, medical providers, victim service providers and members of the general public to create awareness about the program. The program also participated in the training of all graduates of the Iowa Law Enforcement Academy. The Education Coordinator also coordinated five in-service programs to enhance staff knowledge of outside programs.

Crime Victim Rights Week: In collaboration with the United State's Attorney's Office for the Southern District of Iowa, and the Iowa Organization for Victim Assistance (IOVA), CVAD hosted a public ceremony for Crime Victim Rights Week at Capital Square in downtown Des Moines. Steven Colloton, United States Attorney for the Southern District of Iowa, made opening remarks and Thomas Miller, Iowa Attorney General addressed the theme of bringing honor to victims. Diane Leonard, a victim's survivor from the Oklahoma City bombing addressed the issues of all crime victims. Awards were made by the US Attorney's Office to law enforcement officers who demonstrated sensitivity and dedication to serving crime victims in their work. The annual IOVA Kay Egan award was also awarded to an Iowa victim service professional who provided exemplary service to crime victims. Later, on the same day as the ceremony, Diane Leonard and Captain Len Murray of the Des Moines Police Department provided death notification training at the Des Moines Botanical Center.

Iowa Crisis Response Team: In March 2002, the ICRT hosted another NOVA training. The team now has 126 trained members. In May 2002, the last team went to New York to serve at Ground Zero. A total of 84 people served on 14 teams from September 11, 2001 through May 18, 2002. The ICRT also works to educate Iowa communities about their services.

Client Surveys: The Compensation Program sends a client satisfaction survey to each applicant who applies to the program. Victims receive a survey regardless of whether their application is approved or denied. In FY02, 3,091 applicants were sent surveys. Of those surveyed, 336, or 9.2%, returned the survey. Selected survey comments were:

"Thank you! When bad things happen and funds are limited, it is nice to know that these programs are there to help"

"I deeply appreciate the professional and compassionate way I was treated. I also appreciate the timeliness in communication, both in writing and on the phone. It took the anxiety out of wondering what was happening or when I would hear"

"It is a very good program with good people running it. Thank you"

"We were so surprised you even compensated us for the small amount it was. We didn't know about the program until this happened. It is greatly appreciated"

"I thank you for the help that you have provided me. It means a lot to me. Please tell the investigator I appreciate everything she did for me"

CRIME VICTIM COMPENSATION PROGRAM FY 2002 SAMPLE CASE SUMMARIES

Crime Victim Compensation Cases

020018: An eastern Iowa man was assaulted in a bar by his former girlfriend's current boyfriend. The male suspect threw the victim into a grandfather clock, causing serious injury to the victim's left eye as well as multiple bone fractures to the victim's face. To date, the Crime Victim Compensation Program has paid \$15,000 for the victim's medical expenses, \$6,000 for injury related lost wages, \$50 for court related lost wages and \$2,000 for loss of support.

021896: A central Iowa man was sleeping in his home when he awakened to his wife's screams for help. Upon exiting his room, the victim was assaulted by two males who had broken into the house. He was stabbed repeatedly, hit in the face and tied up. The victim received lacerations to his face, mid torso, armpit, left forearm and upper back. He also sustained abrasions to his shoulder and defense wounds to his wrist and knuckles. To date, the Crime Victim Compensation Program has paid \$100 for clothing held as evidence, \$200 for crime scene cleanup, \$634.76 for injury related lost wages, and \$50 for medical expenses. The majority of the victim's medical expenses are pending with his private insurance.

020401: An eastern Iowa man was a passenger in a vehicle that was hit by a drunk driver. The victim received a broken leg, broken toe, bruised spleen, fractured ribs, lacerated liver and several facial and arm lacerations. To date, the Crime Victim Compensation Program has paid \$21,804. The Program has paid \$13,804 for the victim's medical bills and \$6,000 in injury related lost wages. The victim has one child and \$2,000 in loss of support has been paid due to the victim's inability to return to work.

022392: A northern Iowa man was beaten by three males who were asked to attack him by a former girlfriend who was jealous of his new relationship. He received a closed head injury and nearly died. He had to have plastic surgery to repair the damage to his face. To date, the Crime Victim Compensation Program has paid the maximum amount of \$15,000 for medical bills and \$6,000 for injury related lost wages.

022292: An Eastern Iowa woman was assaulted by her husband the evening she was planning to leave their home because of his history of abusive behavior. He came home drunk and choked her until she passed out. She received injuries to her neck. To date, the Crime Victim Compensation Program has paid \$1,690 in medical bills.

020038: An eastern Iowa woman was sexually assaulted by her estranged husband. There was also a history of domestic abuse. The suspect broke into the victim's home in the middle of the night. He sexually assaulted her and caused physical injuries. He then cut up her mattress with a knife before leaving. Due to emotional trauma, the victim was unable to return to work for an extended period of time. To date, the Crime Victim Compensation Program has paid \$1,246 in medical expenses, \$6,000 in injury related lost wages, \$3,885 in loss of support, \$250 for crime scene clean up, and \$25 for clothing held as evidence.

021022: An eastern Iowa adolescent was sexually abused by four juvenile male acquaintances after a middle school dance. To date, the Crime Victim Compensation Program has paid \$100 for the victim's clothing that was held as evidence, \$529 for medical expenses and \$815 for counseling. Additional payments for medical expenses and ongoing counseling are pending.

020937: A central Iowa woman was assaulted by her husband. The victim's right finger sustained significant injury. The victim was self-employed as a graphic artist. The assault ultimately caused the victim to lose her contracts and small business. To date, the Crime Victim Compensation Program has paid \$3,925 in injury related lost wages, \$1,540 for counseling, and \$405 for medical bills and prescriptions. Prescription bills and therapy are ongoing.

020178, 020178a, 020178b, 020178c, 020178d, 020178e, 020178f, 020178g, 020178h, 020178i, 020178j, 020178k, 020178l, 020178m, 020178n, 020178o, 020178p, 020178q, 020178r, 020163, 020163a: A Northeast Iowa mother and her daughter were murdered in their home by an acquaintance. Their bodies were taken to Kansas and buried by the suspect. The family reported the victims as missing and their bodies were found in a shallow grave days later in Kansas. To date, the Crime Victim Compensation Program has paid, for the mother's primary claim and related homicide victim survivor claims, \$7,500 in funeral expenses, \$7,338 in homicide victim survivor court and grief related lost wages, \$670 in homicide victim survivor medical expenses, and \$243 in homicide victim survivor counseling benefits.

The Program has also paid on the daughter's primary claim and related homicide victim survivor claims, \$7,500 in funeral expenses and \$3,605 in homicide victim survivor court and grief related wages. Additional homicide victim survivor counseling benefits are still being paid at this time.

021485, 021485a, 021485b: A central Iowa woman confronted two females about burglarizing her home. She was standing in the open door of their car when she began confronting them. The suspect began accelerating, knocking her to the ground and running over her, then backing up and running over her again. The victim suffered from massive head trauma and was declared brain dead the next morning. To date, the Crime Victim Compensation Program has paid \$15,000 in medical expenses, \$7,500 in funeral and burial expenses, and \$4,000 in loss of support for her two children. In addition, \$1,712 has been paid in homicide survivor grief wages for six homicide survivor secondary victims.

021462: A central Iowa woman met a man through mutual friends at a bowling alley. The suspect lured the woman to his residence, which was the basement of a house. The suspect put the woman in a headlock and rendered her unconscious. The suspect bound the victim's arms and legs with duct tape. The suspect repeatedly sexually assaulted and beat the woman. The woman broke free at one point, but the suspect restrained her again. When the victim was released, she had numerous injuries, including multiple bruises and lacerations to her body and face, as well as neck and back pain. The victim also had broken blood vessels in her eyes from being strangled by the suspect. To date, the Crime Victim Compensation Program has paid the victim's injury related lost wages in the amount of \$203 and hospital charges in the amount of \$1,625. Counseling payments are being considered.

021757: A central Iowa man was at a tavern when he was shot multiple times at close range. The male suspect had mistaken the victim for another person he intended to retaliate against. The victim sustained a total of eight entry and exit gunshot wounds to the buttocks, lower leg and left and right sides of his lower back. The Crime Victim Compensation Program paid \$100 for the victim's clothing that was held as evidence. The Program paid \$15,000 for the victim's medical expenses, which included extensive orthopedic rehabilitation. To date, the program has paid \$428 towards the victim's injury related lost wages. Additional injury related lost wage payments are being considered at this time.

Restitution and Subrogation Cases

020119: A prosperous, well-established businessman in a small Iowa community used his position as the owner of a chain of fast-food restaurants to sexually abuse numerous adolescents he employed. The criminal acts began in the 1980's and continued for two decades. Charges were brought against the offender and he was convicted. The Crime Victim Compensation Program received applications for 18 primary and secondary victims who requested counseling as a result of this crime. Each time a payment was made on behalf of a victim, the Program and the County Attorney's Victim/Witness Coordinator worked together to add the amount to the perpetrator's restitution amount. To date \$1,222 in restitution has been ordered and paid by the defendant.

021507: An Iowa woman was assaulted by her ex-boyfriend in her home. The Crime Victim Compensation Program paid the victim's medical expenses which were \$2,558, and also for cleanup of the crime scene which was \$1,000. The defendant objected to the restitution ordered for the crime scene cleanup, arguing that it was the victim who had caused the damage to the home. Law enforcement reports stated that the victim's floor and walls were covered with the victim's blood. The restitution order was upheld, and the defendant was ordered to pay restitution for this cleanup cost.

001393: An Iowa man was restrained in a tavern and choked by two security employees of the bar, resulting in the victim's death. This dispute began with an accusation by the security employees that the victim's style of dress was not in compliance of the bar's dress code. The victim alleged racial bias. The victim was African American and the security employees were Caucasian. The security employees were criminally charged. They were found not guilty. The family filed a civil suit against the security employees, the bar owner, and the bar's insurer. The civil suit was successful, and \$5,060 was returned to the Crime Victim Compensation Program, representing the amount paid by the Program, less one-third for attorney fees.

Victim Advocate Cases

020656; 020656a; 020656b; 020656c: A woman in rural Iowa was stabbed by her husband who had just been paroled from prison. Their four children witnessed the crime. The victim's family did not speak English. The funeral home called the Crime Victim Compensation Program because they were aware of program benefits on domestic homicides. The Advocate worked with the funeral home and a sibling of the victim to coordinate benefits. To date, the Crime Victim Compensation had paid \$7,500 in funeral benefits, \$8,000 in loss of support, \$95 in homicide victim survivor court related lost wages, \$419 in homicide victim survivor medical related lost wages, \$518 in homicide victim survivor medical bills, and \$102 in homicide victim survivor grief lost wages.

020536: A man was stabbed in the upper left chest above the sternum. The medical bills totaled \$27,390, which exceeded the \$15,000 maximum benefit of the Crime Victim Compensation Program. The Advocate worked with the victim to complete hospital financial aid forms. The Crime Victim Compensation Program paid \$6,408 in medical bills. As a result of the Advocate's work, the remaining balance was covered by the hospital's financial aid program.

CRIME VICTIM COMPENSATION PROGRAM FY02 STATISTICAL INFORMATION

APPLICATION INFORMATION

Applications Received **3168**

Primary Victim Applications	2504
Secondary Victim Applications	664

Applications Approved **2706**

Applications Denied by Reason for Denial **385**

Crime is not a covered crime	93
Victim consent, provocation, or incitement	82
Crime not reported within 72 hours	47
Lack of cooperation with law enforcement	30
Victim was committing criminal act	9
Secondary victim denied due to victim denial	19
Not eligible secondary victim	2
Application not filed within 2 years	7
No crime committed	54
Not an eligible crime victim	15
Duplicate claim or claim withdrawn	17
Crime occurred outside the State of Iowa	8

Supplemental Payment Requests Processed **3720**

Primary Victim Applications Approved by Crime Category

Murder	31
Domestic Abuse Murder	14
Child Abuse Murder	6
Attempted Murder	29
Kidnapping	9
Assault	665
Domestic Abuse	530
Child Physical Abuse and Dependent Adult Abuse	51
Stalking	7
Sexual Assault	151
Child Sexual Assault by a Family Member	123
Child Sexual Assault by a Non-family Abuser	150
Vehicular Homicide	12
Drunk/Intoxicated Driving	43
Reckless Driving	2
Hit & Run Driving	31
Burglary	1
Robbery	44
Arson	20
Other Crimes	146

RESTITUTION/SUBROGATION COLLECTION INFORMATION

New restitution files opened	1035
Number of restitution payments collected	4063
Defendants who paid in full	353
Number of civil suit subrogation payments collected	27

ADVOCATE SERVICES INFORMATION

Total telephone applications taken	913
Telephone applications taken by advocate	418
New victims provided services by advocate	625
Follow-up victims provided services by advocate	111

CLAIM REVENUE AND EXPENSE INFORMATION

Claim Expenses

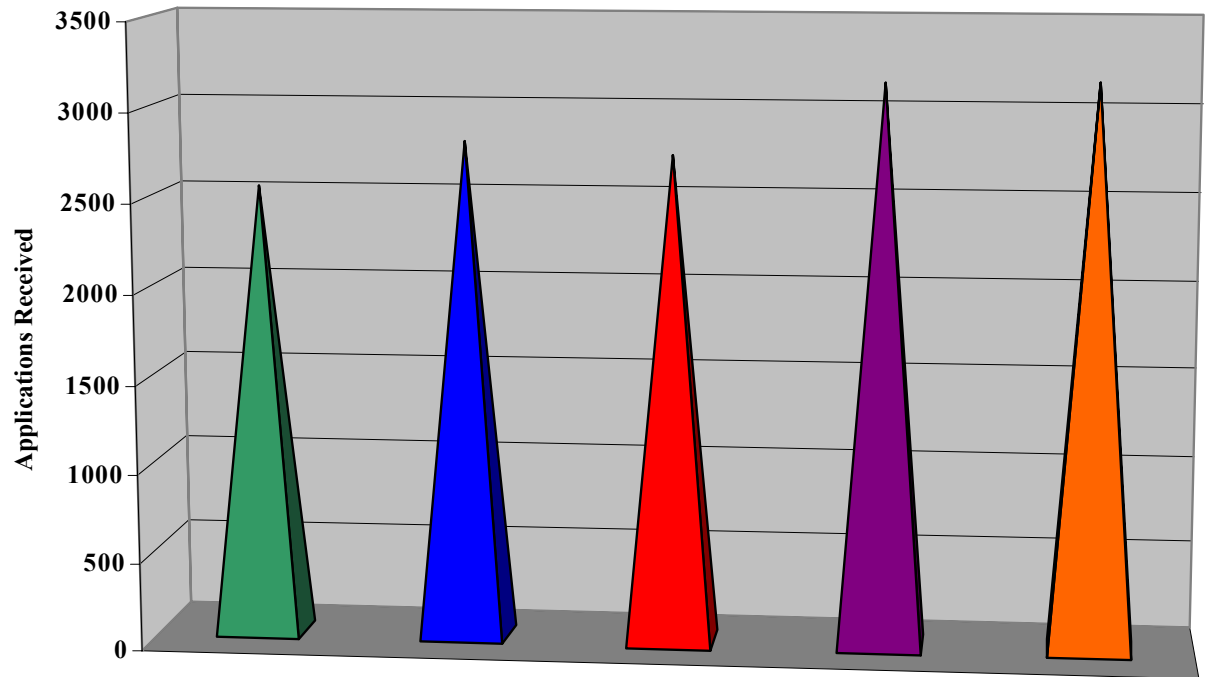
Victim claim payments	\$3,446,694
Attorney's Fees	\$56,915
Offender income-tax offset seizure fees	<u>\$56</u>
Total Program Expenses	\$3,503,665

Program Revenue

Offender restitution	\$435,705
Subrogation	\$155,449
Income Tax Offsets	\$3,179
Wage Garnishments	\$790
Donations	\$0
Criminal fine surcharge	\$3,943,049
Operating while intoxicated civil penalty	\$1,686,150
Inmate work wages	\$83,317
Federal VOCA Compensation Grant	<u>\$1,035,000</u>
Total Program Revenue	\$7,342,639*

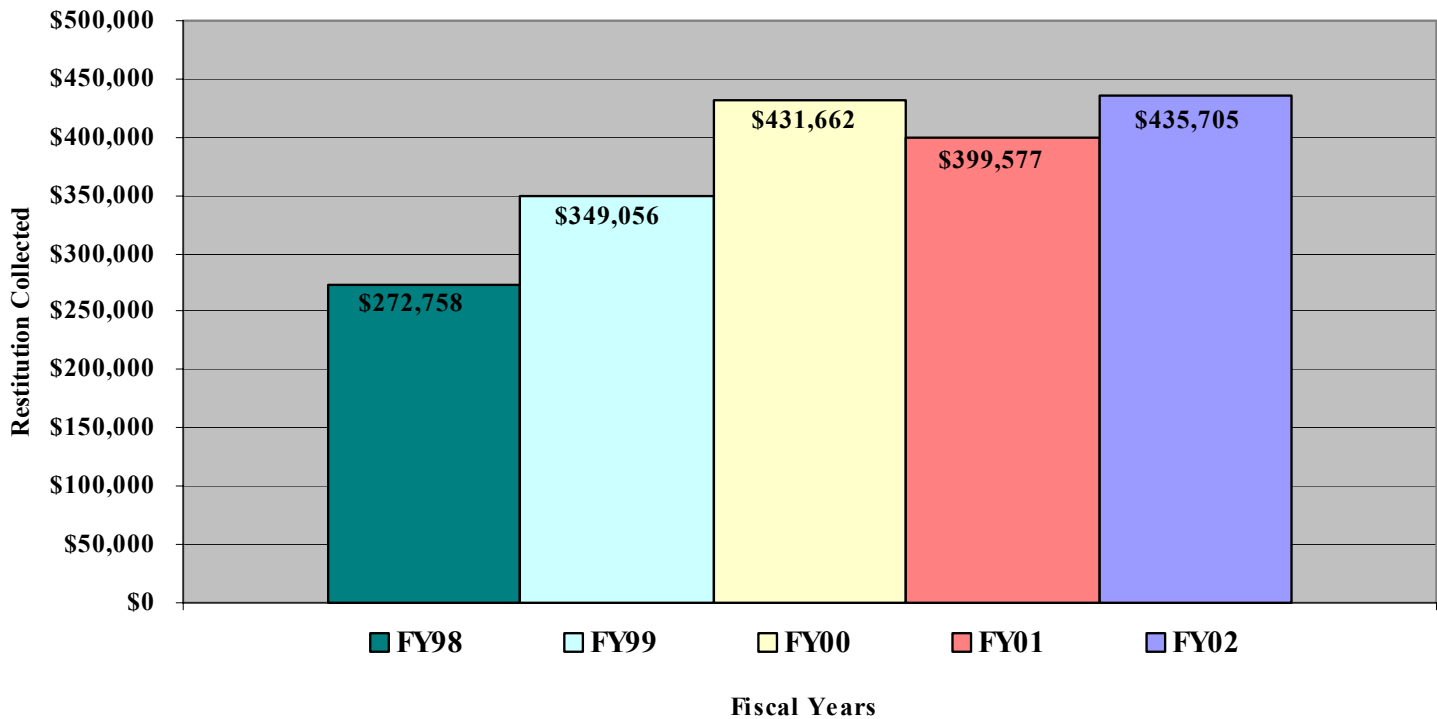
* These funds also pay the expenses of the Sexual Abuse Examination Payment Program and the operational expenses of the CVAD.

5 Year Applications Received Comparison



	FY98	FY99	FY00	FY01	FY02
Series1	2548	2804	2749	3152	3168

5 Year Restitution Collection Comparison



Iowa Attorney General's Office Crime Victim Assistance Division Crime Victim Compensation FY02 Appeals

FY02 Compensation Claims Summary

Total number of new applications received in FY02	3168
Total number of claim decisions made in FY02	3093*
Applications approved	2706 (88%)
Applications denied	385 (12%)

* number includes FY01 claims decisions made during FY02

Crime Victim Assistance Division Director Appeals

Total number of appeals to the Director	42
Denial of eligibility	39 (10% of all program eligibility denials)
Denial of benefit	3
Program decisions upheld	34 (81%)
Eligibility denials upheld	32 (82% of eligibility appeals)
Benefit decisions upheld	2 (66% of benefit appeals)
Program decisions reversed	8 (19%)
eligibility denials reversed:	7 (18% of eligibility appeals)
benefit decisions reversed:	1 (33% of benefit appeals)

Crime Victim Assistance Board Appeals

Total number of appeals to the CVA Board	7
Denial of eligibility:	7 (22% of all director upheld eligibility denials)
Board appeal eligibility denial type:	
Late application	1
Failure to cooperate with LE	1
Consent, incitement, prov.	2
Not a victim of a covered crime	3
Director decisions upheld	5 (71%)
Director decisions reversed	2 (29%)

CRIME VICTIM COMPENSATION PROGRAM CLAIMS AND PAYMENT BY COUNTY

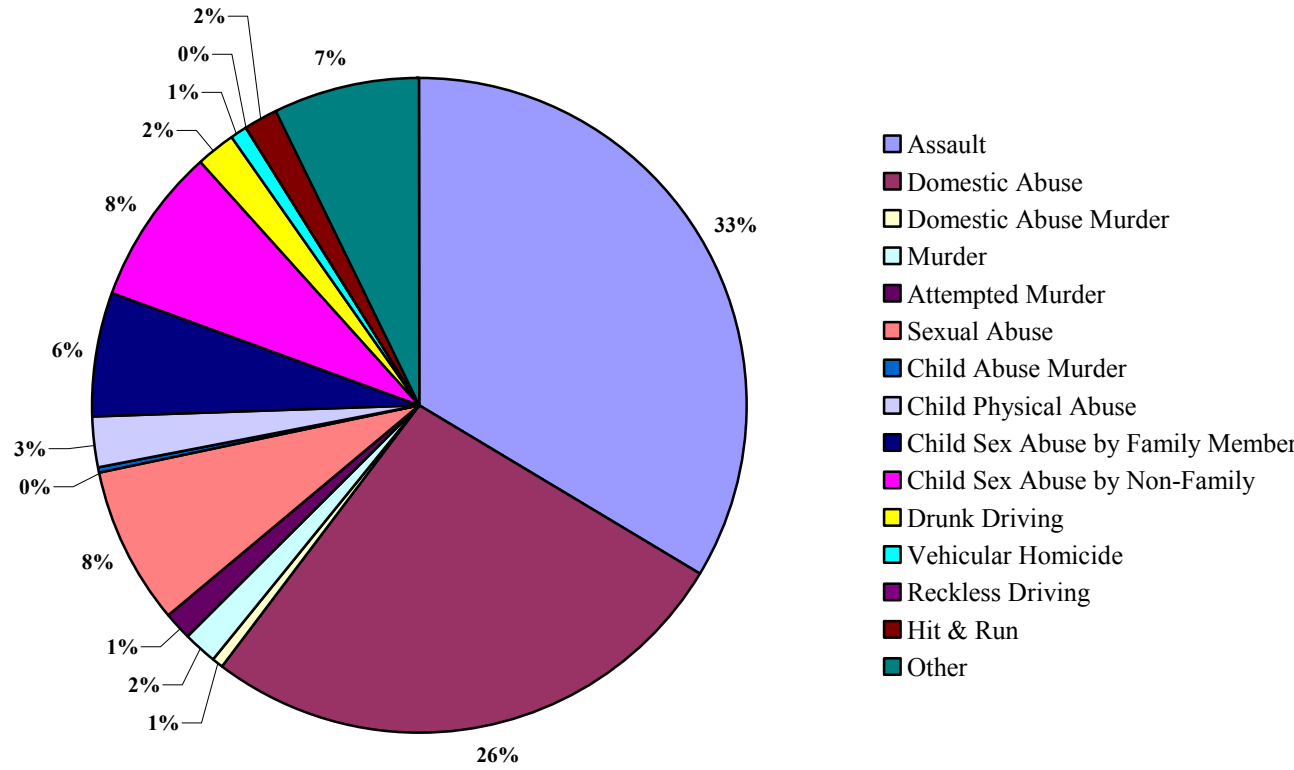
The payments made in the third column may not have been made to new cases received from a county during FY02. Payments may include supplemental payments made on an approved application received from a county in a prior year.

COUNTY	FY02 NEW CLAIMS	FY02 PAYMENTS
ADAIR	1	\$6,787.70
ALLAMAKEE	19	\$31,648.86
APPANOOSE	31	\$6,304.43
AUDUBON	1	\$221.10
BENTON	13	\$6,145.81
BLACK HAWK	271	\$158,370.27
BOONE	14	\$23,450.25
BREMER	14	\$4,233.04
BUCHANAN	8	\$14,501.76
BUENA VISTA	18	\$22,500.82
BUTLER	8	\$2,185.52
CALHOUN	1	\$2,297.00
CARROLL	39	\$15,232.14
CASS	10	\$5,461.30
CEDAR	23	\$6,555.50
CERRO GORDO	80	\$42,431.49
CHEROKEE	30	\$11,475.49
CHICKASAW	5	\$3,794.19
CLARKE	12	\$3,747.33
CLAY	56	\$21,435.79
CLAYTON	15	\$5,965.82
CLINTON	46	\$22,243.80
CRAWFORD	24	\$8,870.79
DALLAS	37	\$28,351.76
DAVIS	10	\$4,510.99
DECATUR	8	\$6,072.96
DELAWARE	32	\$9,322.50
DES MOINES	104	\$92,157.89
DICKINSON	56	\$13,926.20
DUBUQUE	169	\$110,378.22
EMMET	16	\$5,070.05
FAYETTE	8	\$11,236.32
FLOYD	36	\$10,040.96
FRANKLIN	18	\$16,145.01
FREMONT	0	\$0.00

GREENE	8	\$24,500.00
GRUNDY	25	\$10,131.24
GUTHRIE	17	\$6,263.15
HAMILTON	21	\$8,542.53
HANCOCK	53	\$13,165.36
HARDIN	60	\$28,357.44
HARRISON	22	\$4,972.56
HENRY	8	\$2,695.10
HOWARD	34	\$27,963.99
HUMBOLDT	11	\$4,481.13
IDA	6	\$1,815.90
IOWA	13	\$11,936.54
JACKSON	23	\$35,630.51
JASPER	33	\$24,547.36
JEFFERSON	0	\$0.00
JOHNSON	200	\$100,788.95
JONES	29	\$6,855.39
KEOKUK	8	\$1,924.00
KOSSUTH	26	\$6,629.95
LINN	415	\$291,495.22
LOUISA	17	\$6,113.90
LUCAS	6	\$19,950.06
LYON	29	\$10,255.52
MADISON	10	\$5,605.40
MAHASKA	23	\$12,657.26
MARION	9	\$3,990.65
MARSHALL	70	\$75,591.33
MILLS	6	\$1,483.79
MITCHELL	10	\$3,561.63
MONONA	8	\$11,846.25
MONROE	32	\$11,722.65
MONTGOMERY	11	\$6,186.70
MUSCATINE	71	\$68,718.27
N. LEE	15	\$16,383.86
O'BRIEN	6	\$13,848.37
OSCEOLA	3	\$240.00
PAGE	3	\$4,825.33
PALO ALTO	20	\$11,843.01
PLYMOUTH	53	\$11,998.41
POCAHONTAS	1	\$103.66
POLK	1217	\$941,513.61
POTTAWATTAMIE	108	\$114,972.68
POWESHIEK	9	\$2,339.16

S.LEE	57	\$32,039.58
SAC	5	\$3,025.45
SCOTT	311	\$309,009.15
SHELBY	11	\$7,334.60
SIOUX	161	\$53,927.74
STORY	70	\$39,405.94
TAMA	11	\$3,752.84
TAYLOR	1	\$180.10
UNION	3	\$415.00
VAN BUREN	0	\$0.00
WAPELLO	82	\$31,007.45
WARREN	105	\$52,150.78
WASHINGTON	30	\$18,214.47
WAYNE	1	\$480.00
WEBSTER	69	\$35,231.90
WINNEBAGO	4	\$795.00
WINNESHIEK	15	\$8,903.27
WOODBURY	188	\$135,301.36
WORTH	8	\$3,098.78
WRIGHT	22	\$10,900.29

FY02 Crime Categories



**CRIME VICTIM COMPENSATION PROGRAM: FIVE-YEAR COMPARISON
CLAIM INFORMATION**

State fiscal Year	FY02	FY01	FY00	FY99	FY98
Applications Received	3168	3152	2749	2804	2548
Applications Approved	2706	2741	2440	2530	2226
Average Process Time	9.1	6.8	5.8	5.9	6.2
Supplemental Bills Processed	3720	4201	4358	4703	4704
Applications Denied	385	325	262	289	296

COMPENSATION PROGRAM REVENUE

Revenue Source	FY02	FY01	FY00	FY99	FY98
Restitution	435,705	399,577	431,662	349,056	272,785
Income tax offsets	3,179	5,817	9,298	6,666	15,024
Wage garnishment	790	1,192	4,606	2,505	4,015
Subrogation recovery	155,449	210,614	292,440	184,195	223,639
Criminal fine surcharge	3,943,049	3,360,999	2,350,829	1,527,544	1,259,195
OWI civil penalty	1,686,150	1,711,620	1,418,225	1,537,075	1,560,100
Inmate Wage Deposits	83,317	116,618	133,357	99,966	56,294
Donations	0	1,769	741	1,367	20,846
Federal VOCA Grant	1,035,000	931,000	902,500	792,300	961,000
Total Revenue	7,342,639	6,739,206	5,543,658	4,500,674	4,362,898

PRIMARY VICTIM APPLICATIONS APPROVED BY CRIME TYPE

Crime	FY02	FY01	FY00	FY99	FY98
Assault	665	633	760	854	790
Domestic Abuse	530	488	510	490	405
Domestic Abuse Murder	14	9	10	8	5
Murder	31	33	51	40	53
Attempted Murder	29	26	35	42	41
Sexual Abuse	151	149	156	132	127
Child Sexual Abuse by A Family Member	123	104	82	93	84
Child Sexual Abuse by Non-Family	150	161	160	150	166
Child Physical Abuse	51	54	43	27	43
Child Abuse Murder	6	7	15	2	7
Drunk/Intoxicated Driving	43	48	65	49	54
Vehicular Homicide	12	21	24	27	17
Reckless Driving	2	4	5	8	2
Hit & Run Driving	31	28	35	35	24
Other Violent Crimes	227	228	228	143	177
Total Crimes	2065	2087	2178	2100	1995

CRIME VICTIM ASSISTANCE DIVISION SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM

DETAILED REPORT FISCAL YEAR 2002

The Iowa Sexual Abuse Examination Payment Program was established in 1979 to pay the cost of evidentiary examinations in sexual abuse crimes. Administration of the program was transferred from the Department of Public Health to the CVAD on July 1, 1990. All funds for the program come from the Compensation Fund, which consists of fines and penalties paid by criminals.

Iowa Code section 915.41 states:

"The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94 [*Compensation Fund*]."

PROGRAM PURPOSE

The Sexual Abuse Examination Payment Program purpose is to encourage victims to receive a forensic and medical examination to assure their well-being and collect evidence before it deteriorates. Victims of sexual abuse are not required to report to law enforcement for the program to pay for the examination.

Evidence of sexual abuse deteriorates significantly during the seventy-two hours immediately following an assault and is best collected within the first twelve hours after the crime. Due to emotional and physical trauma, sexual assault victims often have difficulty deciding whether or not to report the crime to law enforcement within this time frame.

Iowa pays for the sexual abuse examination regardless of whether the victim reports the crime to law enforcement. This policy assures that prosecutors and law enforcement officers will have evidence efficiently and effectively collected if the victim later reports the crime.

Victims may choose to voluntarily permit a medical facility to submit the examination bill to the victim's insurance carrier. A victim may also choose to not have insurance billed for the cost of a sexual abuse examination. Hospitals, physicians and other providers submit bills directly to the Sexual Abuse Examination Payment Program. In the case that a victim is erroneously billed and pays for the cost of the evidence collection, the program will reimburse that victim.

PROGRAM PROCEDURES

Hospitals, physicians, and laboratories bill the Sexual Abuse Program directly. A victim of sexual abuse should never be billed for the evidentiary examination. If a sexual abuse victim is inadvertently billed by a service provider and pays the bill, the program will reimburse the payment to that her or him.

A victim of sexual abuse may assign the examination bill to their insurance benefits. The program up to limits set in the Iowa Administrative Rules Code can pay costs that a victim does not assign to insurance. The program can pay up to \$200 for the examining room, \$100 for the examiner fees, and all laboratory and medication costs related to the sexual abuse crime. A victim is not responsible for the balance of charges on a sexual abuse evidentiary examination.

IOWA ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM

FY2002 REPORT PROGRAM CASE INFORMATION

TOTAL NEW CASES RECEIVED: 1,729

BILLING TYPE:

Initial bills	1,729
Supplemental bills	713

NEW VICTIMS BY AGE GROUP:

Adult	328	(19%)
Teen	323	(19%)
Child	1,029	(60%)
Unknown	49	(2%)

PROGRAM PAYMENT INFORMATION

TOTAL AMOUNT PAID: \$521,700.23

PAYMENT FOR:

Examination room	\$234,330.27	(45%)
Examiner fees	\$139,589.87	(27%)
Laboratory fees	\$114,276.33	(22%)
Pharmacy fees	\$30,713.65	(5.5%)
Other costs	\$2,924.21	(.5%)

PROGRAM REIMBURSEMENT AND COST SUMMARY

TOTAL REIMBURSEMENT TO FUND: \$48,160.30 (9%)

Reimbursement Type:

Provider refunds	\$46,307.54
Offender restitution	\$1,520.06
Canceled warrants	\$332.70

FY02 CASE COSTS:

Total new cases	1,729
Total case cost [paid (-) reimbursed]	\$473,539.93
Average case cost	\$273.88

TOTAL FY02 EXPENSES OF PROGRAM: \$480,619.93

Expense Type:

Examination costs	\$473,539.93
Rape Examination Kits	\$7,080.00

CRIME VICTIM ASSISTANCE DIVISION VICTIM SERVICE GRANT PROGRAM

DETAILED REPORT FISCAL YEAR 2002

The Victim Services Grant Program (VSG) provides partial funding and technical assistance to community-based and statewide victim service programs throughout Iowa. Funded programs provide free and confidential services to persons who are victims of crime. In FY02 the Victim Services Grant Program administered two state funded and two federally funded grant sources for crime victim service programs.

In FY02 the VSG managed 153 contracts with 55 public and non-profit organizations awarding a total of \$7,411,794 in state and federal funds. Many of the organizations offer programming to victims of more than one type of crime, so are eligible to receive funds from more than one of the four VSG grant sources.

The funded programs served 27,497 crime victims, including the survivors of homicide victims. This represents a service cost to the combined state and federal governments of \$270 per Iowa crime victim served with these funds.

In FY02 the VSG funds were 65% from the federal government and 34% from the state government. Local victim service programs received an average 32% of their overall program funding from the VSG. This is a 10% reduction in government funds to victim service programs from FY01 when local programs received an average 42% of their overall funding from the VSG.

Local programs receiving funds from the Crime Victim Assistance Division in FY02 include 35 domestic abuse programs; 32 sexual abuse programs; 13 prosecutor based programs; 4 homicide victim survivor programs; and 2 programs for teen victims of crime.

Three statewide service contracts were awarded in FY02. The Iowa Coalition Against Domestic Violence received funds to provide minority outreach technical assistance to local domestic abuse programs; Children and Families of Iowa in Des Moines received funds to operate the Iowa Domestic Abuse Hotline; and the Rape Victim Advocacy Program in Iowa City received funds to operate the Iowa Sexual Abuse Hotline.

FUND SOURCES

Victims of Crime Act (VOCA) funds are awarded to Iowa by the U.S. Department of Justice, Office for Victims of Crime. The funds come from the federal VOCA Fund that consists entirely of fines and penalties paid by convicted federal criminals. The funds are collected by U.S. Attorney Offices. These funds are also known as Victim Assistance (VA) Funds.

Family Violence Prevention and Services Act funds (FV) are awarded to Iowa by the U.S. Department of Health and Human Services, Office of Administration for Children and Families, Office of Community Services. These funds are appropriated annually by the U.S. Congress.

Iowa Domestic Abuse (DA) funds and **Iowa Sexual Abuse (SA)** funds are appropriated annually by the Iowa General Assembly.

GRANT APPLICATION AND REVIEW PROCESS

When grant funds become available to from the state or federal government, a statewide press notice is issued. Requests for Proposals (RFP) are made available to all interested parties either in paper format, on computer disc, or by e-mail. A grant-writing workshop is conducted to assist applicants with the application requirements and explain the grant award process.

Grant applications are evaluated for completeness, accuracy, and eligibility by the VSG staff. A volunteer grant review committee is convened to formulate grant award recommendations. Members of the review committee have extensive expertise in victim service, grant management, and public policy. The staff meets with the grant review committee to formulate award recommendations to the Crime Victim Assistance Board. Each application is evaluated for compliance, completeness, clarity, community support, quality of past services, feasibility of proposal, evidence of efficient program management, geographical area and population served.

Funding recommendations of staff and the committee are submitted to the Crime Victim Assistance Board. The Board determines final grant awards to the extent funds are available and to the extent the applicants meet eligibility criteria. An award notice of the denial or approval of the request and the amount of an award is sent to all applicants. Applicants have 10 days after notice of the Board decision to appeal the decision of the board. A decision rendered by the Crime Victim Assistance Board on appeal constitutes final agency action.

Victim Services Grant Program staff monitor the services, management, and fiscal operations of funded programs for compliance with state and federal regulations.

VIOLENCE AGAINST WOMEN ACT PROGRAM MERGER

The Federal Violence Against Women Act (VAWA) funds have been administered in Iowa since 1995 by the Governor's Office for Drug Control Policy (ODCP). VAWA funds are appropriated annually by the U.S. Congress and distributed to the states by the U.S. Department of Justice Office on Violence against Women.

A federal formula grant referred to as STOP VAWA provides approximately \$1.6 million a year to Iowa. The STOP VAWA funds are awarded to victim service programs, prosecutors, law enforcement agencies, courts and discretionary recipients (subgrantees). VAWA discretionary grants are also awarded to public and non-profit entities in Iowa directly by the U.S. Department of Justice.

The Governor proposed the move of the VAWA funds to the CVAD VSG in the fall of 2002. The Iowa General Assembly transferred the administration of the funds to the Attorney General's Crime Victim Assistance Division (CVAD) effective June 21, 2002. The CVAD and ODCP jointly worked to effect a seamless transition in which local programs would be paid in a timely manner.

Beginning in January 2002 CVAD and ODCP VAWA staff met on a monthly basis to plan for the move. The Attorney General hired two ODCP VAWA staff effective June 21, 2002. The 52 programs and agencies awarded STOP VAWA funds by the ODCP for state fiscal year 2002 continued to receive funds under the new administration.

The VSG staff is working to consolidate and streamline the application process, reporting format, and monitoring efforts of the VAWA funding with the four funding streams previously administered by CVAD.

FEDERAL FUNDS AVAILABLE FOR STATE FY02

Victims of Crime Act (VOCA)

VOCA funds are awarded by the U.S. Department of Justice, Office for Victims of Crime. The funds are derived entirely from federal criminal fines and penalties.

Total VOCA funds available FY02:	\$3,973,331
VOCA grant funds awarded to Iowa for FY02:	\$3,958,000
VOCA funds carried forward from FY01:	\$15,331

Distribution: \$3,775,431 to victim service programs
 \$197,900 for administrative costs

Distribution requirements:
 A minimum of 94% for victim service programs
 Up to 5% for state administrative costs
 Up to 1% for state training efforts

VOCA funds awarded to local programs must be used to provide direct services to victims of violent crime. Four priority categories must each receive a minimum of 10% of the available funds: domestic abuse, sexual abuse, child abuse and previously under served victims of crime (types of crimes not included in the first three categories).

Fifty-three local programs received VOCA funds for state FY02. Programs are required to provide a 20% local match for the funds. FY02 is the sixteenth year these funds have been available in Iowa.

Family Violence Prevention and Services Act (FV)

Family Violence Prevention and Services Act funds (FV) are awarded by the U.S. Department of Health and Human Services, Admin. for Children and Families, Office of Community Services.

Total FV funds awarded to Iowa for FY02:	\$1,116,548
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Distribution: \$1,060,720 to victim service programs
 \$55,828 for state administrative costs

Distribution requirements:
 Not less than 70% for domestic abuse shelters and programs
 Not more than 5% for state administrative costs

These funds are available to states to prevent family violence, provide immediate shelter and related assistance for victims of family violence and their dependents, and carry out coordination, research, training, technical assistance and evaluation.

Thirty-two local programs and one statewide technical assistance program received FV funds for FY02. Local match requirements are 35% for first year awards, 20% for second and subsequent year awards. FY02 is the sixteenth year these funds have been available in Iowa.

STATE OF IOWA FUNDS AVAILABLE FOR FY02

Iowa Domestic Abuse (DA)

Iowa Domestic Abuse funds are appropriated by the state legislature from the Iowa General Fund. The Attorney General also has the authority to use money from the Compensation Fund for these grants. The funds are available to programs that provide advocacy, counseling and shelter service for victims of domestic abuse.

Iowa Domestic Abuse funds awarded in FY02: \$1,609,577 *

Distribution: 100% to Iowa domestic abuse programs and the Iowa Domestic Abuse Hotline.

* Reflects Legislative and across the board cuts made after the beginning of FY02.

Thirty-four programs and the Iowa Domestic Abuse Hotline were awarded Iowa Domestic Abuse funds for FY02. There is no local match required for these funds. FY02 is the twenty-third year these funds have been available to domestic abuse programs in Iowa.

Iowa Sexual Abuse Funds (SA)

Iowa Domestic Abuse funds are appropriated by the state legislature from the Iowa General Fund. The Attorney General also has the authority to use money from the Compensation Fund for these grants. The funds are available to programs that provide medical and legal advocacy, counseling and crisis service for victims of sexual abuse.

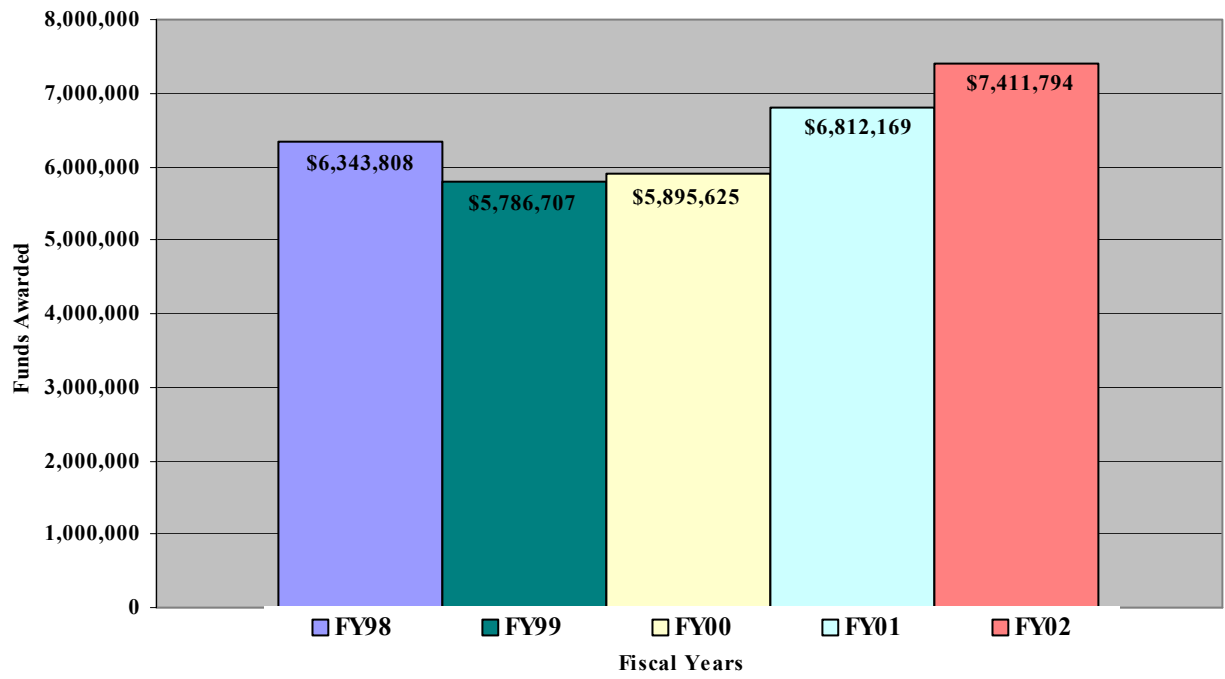
Iowa Sexual Abuse funds awarded in FY02: \$905,387 *

Distribution: 100% for Iowa sexual abuse programs and the Iowa Sexual Abuse Hotline.

* Reflects Legislative and across the board cuts made after the beginning of FY02.

Thirty-one programs and the Iowa Sexual Abuse Hotline were awarded Iowa Sexual Abuse funds for FY02. There is no local match required for these funds. FY02 is the thirteenth year these funds have been available.

Five Year Comparison of Federal and State Grant Funding



IOWA ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION VICTIM SERVICES GRANT PROGRAM

STATISTICAL INFORMATION STATE FISCAL YEAR 2002

(July 1, 2001 through June 30, 2002)

CRIME VICTIM SERVICE INFORMATION

Victims Served by Type of Crime

Domestic Abuse:	20,688
Women	16,243
Men	664
Children	3,781
Sexual Abuse:	4,070
Adult	1,763
Incest Survivors	419
Teens	1,021
Children	867
Child Physical Abuse:	458
Elder Abuse:	31
Homicide Victim Survivors:	385
Drunk/Intoxicated Driving:	155
Robbery:	102
Assault:	1,443
Other Violent Crimes:	<u>165</u>
Total Victims Served:	27,497

Victims Provided with Safe Shelter

Domestic Abuse:	4,762
Women:	2,262
Children:	2,484
Men:	16
Sexual Abuse:	82
Other adult victims:	<u>32</u>
Total sheltered:	4,876

CRIME VICTIM SERVICE PROGRAM INFORMATION

Program by Type of Victims Served

Domestic Abuse Victim Programs:	35*
Sexual Abuse Victim Programs:	33*
Statewide Hotlines (DA & SA)	2
Prosecutor-based Victim Programs:	13
Homicide Victim Survivor Programs:	4*
Teen Victim Programs:	<u>2</u>
Total Programs funded:	89

* 57 agencies operate these 89 victim service programs. Several agencies operate programs for more than one of type of crime. 30 agencies operate combined sexual abuse and domestic abuse programs. One agency operates a combined sexual abuse, domestic abuse, and homicide victim survivor programs. One agency operates a combined sexual abuse and homicide victim survivor program.

Program Staff and Volunteers

Total Paid Staff for All Programs:	392
Total Volunteers for All Programs:	1,138
Average Paid Staff per Agency:	7
Average Volunteers per Agency:	20

Public Awareness and Prevention Efforts

Total Media Contacts:	1,628
Total Presentations:	4,167
Total Audience at Presentations:	140,777

Budget Information

Total Budgets for All Programs:	\$23,096,675
Total CVAD Grant Funds:	\$7,411,794
Average Program Total Budget:	\$259,513
Average Program Total CVAD Grants:	\$83,279
Average Program Budget from CVAD Grants:	32%

Crime Victim Assistance Division Grant Program 2002 Award Summary

Funding Source Key:

Federal	VA - Victim Assistance - also known as Victims of Crime Act (VOCA) FV - Family Violence Prevention and Services Act
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State	DA - Domestic Abuse SA - Sexual Abuse
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<u>Community</u>	<u>Agency/Program</u>	<u>Funding Source</u>	<u>Award</u>	<u>Agency Total</u>	<u>County or Community Total</u>
Adel	Crisis Intervention & Advocacy Center	VA	90,000		
		FV	22,500		
		DA	43,212		
		SA	<u>19,550</u>	175,262	
Albia	Monroe County Attorney	VA	21,000	21,000	
Algona	Family Crisis Center of North Iowa, Inc.	VA	29,912		
		FV	28,735		
		DA	23,420		
		SA	<u>21,468</u>	103,535	
Ames	Assault Care Center Extending Shelter and Support (ACCESS)	VA	128,000		
		FV	35,000		
		DA	51,139		
		SA	<u>27,600</u>	241,739	} 267,687
	Youth and Shelter Services, Inc.	VA	25,948	25,948	
Atlantic	Family Crisis Support Network	VA	95,685		
		FV	30,000		
		DA	38,478		
		SA	<u>28,338</u>	192,501	
Burlington	YWCA Domestic Violence Shelter and Sexual Assault Program	VA	66,500		
		FV	34,725		
		DA	40,948		
		SA	<u>17,250</u>	159,423	} 179,423
	Des Moines County Attorney's Office	VA	20,000	20,000	

<u>Community</u>	<u>Agency/Program</u>	<u>Funding Source</u>	<u>Award</u>	<u>Agency Total</u>	<u>Community Total</u>
Carroll	Domestic Abuse Prevention Center, Inc.	VA	50,000	122,929	
		FV	25,000		
		DA	35,279		
		SA	<u>12,650</u>		
Cedar Rapids	Waypoint	VA	65,000		
		FV	34,400		
		DA	65,943		
	Family Service Agency - Survivor's of Homicide Victim's Program	SA	<u>36,764</u>	202,107	
		VA	57,417	57,417	
Cherokee	Council Against Domestic Abuse	VA	83,117	175,303	
		FV	26,000		
		DA	45,486		
		SA	<u>20,700</u>		
Clinton	Gateway YWCA Women's Resource Center	VA	107,000	244,432	
		FV	45,000		
		DA	60,232		
		SA	<u>32,200</u>		
Council Bluffs	Catholic Charities - Domestic Violence & Sexual Abuse Program	VA	136,000	222,339	
		FV	27,000		
		DA	43,239		
		SA	<u>16,100</u>		
Creston	Rural Iowa Crisis Center	VA	47,500	113,527	
		FV	18,100		
		DA	23,777		
		SA	<u>24,150</u>		
Davenport	Family Resource Inc. - Domestic Violence Advocacy & Rape/Sexual Assault Program	VA	119,000	262,703	
		FV	41,000		
		DA	68,203		
	LSS - Homicide Victim Survivor's Program	SA	<u>34,500</u>	47,000	
		VA	47,000	47,000	

<u>Community</u>	<u>Agency/Program</u>	<u>Funding Source</u>	<u>Award</u>	<u>Agency Total</u>	<u>Community Total</u>
Decorah	Helping Services of Northeast Iowa, Inc. - Services for Abused Women and Children Program	VA	47,500	147,186	
		FV	33,500		
		DA	43,186		
		SA	23,000		
Des Moines	Deaf Women of Iowa Against Abuse	DA	34,234	34,234	447,540
	Polk County Victim Services	VA	96,000	100,564	
		SA	4,564		
	CFI - Family Violence Center	VA	168,000	312,742	
		FV	53,450		
		DA	91,292		
	Dubuque	YWCA Domestic Violence Program	VA	95,897	209,560
FV			31,500		
Riverview Center, Inc. - Sexual Assault Prevention and Intervention Services		DA	82,163	121,307	
		VA	70,526		
		SA	50,781		
Fort Dodge	Domestic/Sexual Assault Outreach Center	VA	165,000	310,408	332,908
		FV	37,000		
		DA	73,908		
		SA	34,500		
	Webster County Attorney	VA	22,500	22,500	
Grundy Center	Seeds of Hope	VA	82,000	158,646	
		FV	31,000		
		DA	21,496		
		SA	24,150		
Indianola	Warren County Attorney's Office	VA	26,000	26,000	
Iowa City	Rape Victim Advocacy Program	VA	136,000	179,363	525,917
		SA	43,363		
	Domestic Violence Intervention Program	VA	144,000	275,304	
		FV	48,000		
		DA	83,304		
	United Action for Youth	VA	71,250	71,250	

<u>Community</u>	<u>Agency/Program</u>	<u>Funding Source</u>	<u>Award</u>	<u>Agency Total</u>	<u>Community Total</u>
Jefferson	Partnership for Violence Free Living	VA	40,000	96,021	
		FA	15,940		
		DA	17,081		
		SA	<u>23,000</u>		
Keokuk	Tri-State Coalition Against Family Violence	VA	113,000	239,673	
		FV	31,958		
		DA	68,265		
		SA	<u>26,450</u>		
Knoxville	Turning Point - Alternatives to Domestic & Sexual Violence	VA	70,000	133,389	
		FV	20,000		
		DA	13,529		
		SA	<u>29,860</u>		
LeMars	Plymouth County Attorney	VA	22,500	22,500	
Marshalltown	Domestic Violence Alternatives Sexual Assault Center	VA	110,000	223,304	
		FV	30,000		
		DA	52,254		
		SA	<u>31,050</u>		
Mason City	Crisis Intervention Service	VA	140,000	249,880	} 272,380
		FV	30,000		
		DA	56,880		
		SA	<u>23,000</u>		
	Cerro Gordo County Attorney's Office	VA	22,500	22,500	
Muscatine	Family Resources, Inc. - Domestic Abuse and Sexual Assault Advocacy Program	VA	73,000	192,880	
		FV	40,000		
		DA	48,830		
		SA	<u>31,050</u>		
Orange City	Sioux County Attorney's Office	VA	20,000	20,000	
Oskaloosa	Crisis Intervention Services	VA	60,334	137,449	
		FV	29,188		
		DA	26,077		
		SA	<u>21,850</u>		

<u>Community</u>	<u>Agency/Program</u>	<u>Funding Source</u>	<u>Award</u>	<u>Agency Total</u>	<u>Community Total</u>
Ottumwa	Crisis Center and Women's Shelter	VA	107,000		} 260,956
		FV	30,000		
		DA	65,936		
	Wapello County Attorney's Office	SA	<u>32,520</u>	235,456	
		VA	<u>25,500</u>	25,500	
Rock Rapids	Lyon County Attorney	VA	20,000	20,000	
Sac City	Sac County Attorney's Office	VA	7,248	7,248	
Shenandoah	Domestic Violence Education & Shelter	VA	22,500	22,500	
Sioux Center	Family Crisis Centers of Northwest Iowa	VA	70,502		
		FV	32,096		
		DA	43,195		
		SA	<u>21,850</u>	167,643	
Sioux City	Council on Sexual Assault and Domestic Violence	VA	138,000		
		FV	40,000		
		DA	76,102		
		SA	<u>46,000</u>	300,102	
Spencer	Centers Against Abuse & Sexual Assault	VA	95,042		
		FV	20,765		
		DA	68,282		
		SA	<u>24,150</u>	208,239	
Spirit Lake	Dickinson County Attorney	VA	15,000	15,000	
Waterloo	Family Service League - Crisis Services	VA	112,000		} 249,521
		FV	33,000		
		DA	56,871		
	Black Hawk County Attorney's Office	SA	<u>24,150</u>	226,021	
		VA	23,500	23,500	
Waukon	Allamakee County Women & Children Resource Center (WCRC)	VA	40,000		
		FV	18,000		
		DA	18,187		
		SA	<u>9,200</u>	85,387	

<u>Community</u>	<u>Agency/Program</u>	<u>Funding Source</u>	<u>Award</u>	<u>Agency Total</u>	<u>Community Total</u>
Waverly	Cedar Valley Friends of the Family, Inc.	VA	83,000		
		FV	18,000		
		DA	38,550		
		SA	<u>32,200</u>	<u>171,750</u>	
	Bremer County Attorney	VA	15,722	15,722	187,472
<u>Statewide Grants</u>					
	Iowa Coalition Against Domestic Violence	FV	69,863	69,863	
	CFI -Iowa Domestic Abuse Hotline	HL	62,019	62,019	
	RVAP - Iowa Sexual Abuse Hotline	HL	<u>62,019</u>	<u>62,019</u>	
	Total		<u><u>7,411,794</u></u>	<u><u>7,411,794</u></u>	

Addendum I

2002 IOWA CRIME VICTIM LEGISLATION

CRIME VICTIM LEGISLATION ENACTED BY THE 2002 IOWA GENERAL ASSEMBLY

Compiled by Anne Sheeley, Attorney General's Office Legislative Liaison, and
Marti Anderson, Director, Attorney General's Crime Victim Assistance Division

See the Internet at www.legis.state.ia.us for the full text of the bills listed below.

Policy Bills

General Crime

House File 2153: *Presentation of Victim Impact Statements at Criminal Sentencing Hearings.*

The victim has the right to make a victim impact statement in the presence of the defendant. This impact statement can be communicated through an oral presentation, a video statement, audio statement, and a written statement. This law also states that the victim shall not be placed under oath and subjected to cross examination at the sentencing hearing.

House File 2546: *Classifies the Criminal Offense of Assault as a General Intent Crime.* This new law was created in response to a Supreme Court Decision. In a Supreme Court decision last winter, the Court determined that assault was a specific intent crime rather than a general intent crime. This meant that an element of the crime that had to be proven was that the perpetrator specifically intended to commit the assault and injure the victim. This decision created great confusion in determining lesser-included offenses and had a substantial impact on domestic abuse assault prosecutions. This new law specifically defines assault as a general intent Crime.

Sexual Abuse

Senate File 2286: *Civil Commitment of Sexually Violent Predators.* Makes various changes and enhancements to the civil commitment of sexually violent predator chapter.

Senate File 2197: *Prohibiting Registered Sex Offenders from Residing near a school or child care facility.* Registered Sex Offenders are prohibited from residing within two thousand feet of a school or a child-care facility.

House File 2338: *Registration of Sex Offenders in Counties where an Institution of Higher Education is Located.* Requires sex offenders who are must register with the state, and who are attending an institute of higher education outside of their county of residence to also register in the county where the institute is located. Offenders who fail to register will be guilty of an aggravated misdemeanor for the first offense and a class "D" felony for the second offense.

House File 2495: *Issuing of no-contact orders against persons who are arrested for the crime of sexual abuse.* Persons who are arrested for sexual abuse may be subject to a criminal no-contact order.

Domestic Abuse:

Senate File 2100: *Protective Orders for persons in an Intimate Relationship.* Persons who have been assaulted and are in an intimate relationship can obtain a protective order. Intimate relationship is means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

Budget Bills

Department of Justice, Attorney General's Office

House File 2354: Moves administration of the Violence Against Women Act grant from the Governor's Office of Drug Control Policy (ODCP) to the Attorney General's Crime Victim Assistance Division (CVAD).

House File 2625 - Section 20: *(Special Session) Reduction of Appropriation's Bill:* Moved \$1 million from the Crime Victim Compensation Fund to the Workers Compensation fund as part of the effort to balance the FY02 state budget.

House File 2627- Section 152: *(Special Session) Omnibus Budget Bill:* This bill combined into the general budget of the Attorney General's office the previous standing line items for Domestic Abuse, Sexual Abuse, and Legal Services for Persons in Poverty grants as well as the Prosecuting Attorney's Training Coordinator. The standing line items were effectively deleted. The bill cut the Attorney General's Office budget by 25%, an amount equal to the previous line items for Domestic Abuse, Sexual Abuse, and Legal Services for Persons in Poverty grants.

Department of Human Rights, Commission on the Status of Women

House File 2627- Section 101: *(Special Session) Omnibus Budget Bill:* Appropriates funds for the domestic violence and sexual assault related grants in the budget of the Iowa Commission on the Status of Women. These grants are awarded to the Iowa Coalition Against Domestic Violence and the Iowa Coalition Against Sexual Abuse to support their training efforts.

Addendum II

AUTHORIZING IOWA CODE STATUTES

IOWA ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION AUTHORIZING IOWA CODE STATUTES

The following chapters and sections of the 2002 Code of Iowa provide authority for the administration of programs in the Crime Victim Assistance Division.

Effective as amended
July 1, 2002

Chapter 13 Attorney General Subchapter III Victim Assistance Program

13.31 Victim assistance program.

A victim assistance program is established in the department of justice, which shall do all of the following:

1. Administer grants received under the federal Victims of Crime Act pursuant to Pub. L. No. 98-473, title 2, chapter 14, 42 U.S.C. '10601, as amended by the federal Children's Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903 (1986).
2. Administer the state crime victim compensation program as provided in chapter 915.
3. Administer the domestic abuse program provided in chapter 236.
4. Administer the family violence prevention and services grants pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. '10401.
5. Administer payment for sexual abuse medical examinations pursuant to section 915.41.
6. Administer the violence against women program and grants received pursuant to the federal Violence Against Women Act, Title IV of the Violent crime control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 42 U.S.C. §13701.

Effective as amended
July 1, 1991

Chapter 236 Domestic Abuse

Note: Since 1989, the Department of Justice has been authorized through the annual appropriations bill to grant funds available to public or private non-profit organizations providing services to victims of domestic abuse or sexual abuse through the powers in Iowa Code Chapter 236.16. Sexual abuse is inserted in brackets where appropriate for clarity.

236.16 Department powers and duties.

1. The department shall:
 - a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of domestic abuse [and sexual abuse].
 - b. Design and implement a uniform method of collecting data from domestic abuse [and sexual abuse] organizations funded under this chapter.
 - c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of domestic abuse [and sexual abuse]. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of citizens' aide, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.

d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

e. Develop, with the assistance of the entity operating the telephone hotline and other domestic abuse victim services providers, brochures explaining the rights of victims set forth under section 236.12 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of domestic abuse.

2. The department shall consult and cooperate with all public and private agencies, which may provide services to victims of domestic abuse [and sexual abuse], including but not limited to, legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

Effective

July 1, 1998

Chapter 915.41

Sexual Abuse Examination Payment Program

915.41 Medical examination costs.

The cost of a medical examination of a victim for the purpose of gathering evidence and the cost of treatment of a victim for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94 [the Compensation Fund].

Effective as amended

July 1, 2000

Chapter 915

Victim Compensation

915.80 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. "*Compensation*" means moneys awarded by the department as authorized in this subchapter.

2. "*Crime*" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "*Crime*" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section 321.261, 321.277, 321J.2, 462A.14, or 707.6A, or when the intention is to cause personal injury or death. A license revocation under section 321J.9 or 321J.12 shall be considered by the department as evidence of a violation of section 321J.2 for the purposes of this subchapter.

3. "*Department*" means the department of justice.

4. "*Dependent*" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

5. "*Secondary victim*" means the victim's spouse, children, parents, and siblings, and any person who resides in the victim's household at the time of the crime or at the time of the discovery of the crime. "*Secondary victim*" does not include persons who are the survivors of a victim who dies as a result of a crime.

6. "*Victim*" means a person who suffers personal injury or death as a result of any of the following:

a. A crime.

- b. The good faith effort of a person attempting to prevent a crime.
- c. The good faith effort of a person to apprehend a person suspected of committing a crime.

915.81 Award of compensation.

The department shall award compensation authorized by this subchapter if the department is satisfied that the requirements for compensation have been met.

915.82 Crime victim assistance board.

1. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

- a. A county attorney or assistant county attorney.
- b. Two persons engaged full-time in law enforcement.
- c. A public defender or an attorney practicing primarily in criminal defense.
- d. A hospital medical staff person involved with emergency services.
- e. Two public members who have received victim services.
- f. A victim service provider.
- g. A person licensed pursuant to chapter 154B or 154C.
- h. A person representing the elderly.

Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

2. The board shall adopt rules pursuant to chapter 17A relating to program policies and procedures.

3. A victim aggrieved by the denial or disposition of the victim's claim may appeal to the district court within thirty days of receipt of the board's decision.

915.83 Duties of department.

The department shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the crime victim compensation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the crime victim compensation program, including the procedures for obtaining compensation under the program.

4. Request from the department of human services, the department of workforce development and its division of workers' compensation, the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

5. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if compensation is made. The department shall be responsible for the cost of the medical examination from funds appropriated to the department for the crime victim compensation program if compensation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

6. Receive moneys collected pursuant to section 904.702 for the purpose of compliance with Pub. L. No. 98-473.

915.84 Application for compensation.

1. To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and file the application with the department within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown.

2. A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made. The department may waive this requirement if good cause is shown.

3. Notwithstanding subsection 2, a victim under the age of eighteen or dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection 7, or upon a dependent adult by a caretaker as defined in section 235B.2, and was reported to an employee of the department of human services and the employee verifies the report to the department.

4. When immediate or short-term medical services or mental health services are provided to a victim under section 915.35, the department of human services shall file the claim for compensation as provided in subsection 3 for the victim.

5. When immediate or short-term medical services to a victim are provided pursuant to section 915.35 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for compensation, unless the department of human services is required to file the claim under this section. The requirement to report the crime to the local police department or county sheriff department under subsection 2 does not apply to this subsection.

6. The victim shall cooperate with reasonable requests by the appropriate law enforcement agencies in the investigation or prosecution of the crime.

915.85 Compensation payable.

The department may order the payment of compensation:

1. To or for the benefit of the person filing the claim.
2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.
3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to compensation, the compensation may be apportioned by the department as the department determines to be fair and equitable among the dependents.
4. To a victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program, as defined in the federal Victims of Crime Act of 1984, Pub. L. No. 98-473, section 1403(b), as amended and codified in 42 U.S.C. § 10602(b).
5. To or for the benefit of a resident of this state who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331, which occurred outside of the United States

915.86 Computation of compensation.

The department shall award compensation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed fifteen thousand dollars. Reasonable charges incurred for mental health care not to exceed three thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 915.20A.
2. Loss of income from work the victim would have performed and for which the victim would have received remuneration if the victim had not been injured, not to exceed six thousand dollars.
3. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars.

4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, not to exceed one thousand dollars.
5. Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed one hundred dollars.
6. Reasonable funeral and burial expenses not to exceed seven thousand five hundred dollars.
7. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent.
8. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 147 or 150A. The allowable charges under this subsection shall not exceed three thousand dollars per person.
9. In the event of a homicide, reasonable charges incurred for health care for the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed three thousand dollars per survivor.
10. In the event of a homicide, loss of income from work that, but for the death of the victim, would have been earned by the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed six thousand dollars.
11. Reasonable expenses incurred for cleaning the scene of a crime, if the scene is a residence, not to exceed one thousand dollars.
12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter 147, 148, or 150A. The allowable charges under this subsection shall not exceed one thousand dollars per secondary victim.

915.87 Reductions and disqualifications.

Compensation is subject to reduction and disqualification as follows:

1. Compensation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:
 - a. From or on behalf of a person who committed the crime or who is otherwise responsible for damages resulting from the crime.
 - b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.
 - c. From public funds.
 - d. As an emergency award under section 915.91.
2. Compensation shall not be made when the bodily injury or death for which a benefit is sought was caused by any of the following:
 - a. Consent, provocation, or incitement by the victim.
 - b. The victim assisting, attempting, or committing a criminal act.

915.88 Compensation when money insufficient.

Notwithstanding this subchapter, a victim otherwise qualified for compensation under the crime victim compensation program is not entitled to the compensation when there is insufficient money from the appropriation for the program to pay the compensation.

915.89 Erroneous or fraudulent payment--penalty.

1. If a payment or overpayment of compensation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the compensation. The department may waive, decrease, or adjust the amount of the repayment of the compensation. However, if the department does not notify the recipient of the erroneous payment or overpayment within one year of the date the compensation was made, the recipient is not liable for the repayment of the compensation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the compensation.

915.90 Release of information.

A person in possession or control of investigative or other information pertaining to an alleged crime or a victim filing for compensation shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and enforcement of the crime victim compensation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the department as required under this section.

915.91 Emergency payment compensation.

If the department determines that compensation may be made and that undue hardship may result to the person if partial immediate payment is not made, the department may order emergency compensation to be paid to the person, not to exceed five hundred dollars.

915.92 Right of action against perpetrator--subrogation.

A right of legal action by the victim against a person who has committed a crime is not lost as a consequence of a person receiving compensation under the crime victim compensation program. If a person receiving compensation under the program seeks indemnification which would reduce the compensation under section 915.87, subsection 1, the department is subrogated to the recovery to the extent of payments by the department to or on behalf of the person. The department has a right of legal action against a person who has committed a crime resulting in payment of compensation by the department to the extent of the compensation payment. However, legal action by the department does not affect the right of a person to seek further relief in other legal actions.

915.93 Rulemaking.

The department shall adopt rules pursuant to chapter 17A to implement the procedures for reparation payments with respect to section 915.35 and section 915.84, subsections 3, 4, and 5.

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to

programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Addendum III

AUTHORIZING IOWA ADMINISTRATIVE RULES CODE

IOWA ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION AUTHORIZING IOWA ADMINISTRATIVE RULES CODE

In addition to authorization in Iowa Code statutes, the policies and procedures of the CVAD are authorized by rule as contained in the Iowa Administrative Code; 61 IAC, chapter 9, Divisions I, II, III, and IV.

Attorney General [61] Chapter 9 Victim Assistance Program Division I Administration

Effective as amended 1994

61—9.1(912) Definitions.

“Board” means crime victim assistance board.

“Department” means Iowa department of justice.

“Director” means director of the crime victim assistance division established in the department of justice.

61—9.2(912) Board.

9.2(1) A crime victim assistance board is established pursuant to Iowa Code section 912.2A.

9.2(2) Members of the board shall serve terms for three years and are eligible for reappointment to the board by the attorney general.

9.2(3) The initial term of the board members shall commence on July 1 of the state fiscal year.

61—9.3(912) Expenses.

9.3(1) Board members shall be reimbursed from the victim’s compensation fund for expenses actually and necessarily incurred in the discharge of their duties including attendance at board meetings, board committee meetings, and other activities on behalf of the board as designated by the board chair and approved by the department. Reimbursement for expenses shall conform with guidelines established by the department of revenue and finance.

9.3(2) A member of the board may receive, in addition to actual expense reimbursement, a per diem which conforms with guidelines established by the department of revenue and finance.

9.3(3) Expenses of the board and individual members shall be submitted to the director.

61—9.4(912) Chair of the board.

9.4(1) The attorney general shall select one of the members of the board to serve as chair of the board. The chair shall serve at the pleasure of the attorney general.

9.4(2) A member who is chair of the board and relinquishes or is removed as the chair may maintain board membership for the remainder of the term for which the member was originally appointed.

61—9.5(912) Resignations.

9.5(1) Resignations from the board shall be made to the attorney general.

9.5(2) Whenever a member of the board ceases to have the statutory qualifications for appointment to the board, that member shall be considered to have resigned and a vacancy shall occur on the board.

9.5(3) A board member shall be deemed to have submitted a resignation from the board if any of the following events occur:

a. The member does not attend three or more consecutive regular meetings of the board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least 30 days apart.

b. The person attends less than one-half of the regular meetings of the board within any period of 12 calendar months beginning July 1. This paragraph applies only to such a period beginning on or after the date when the person is appointed to the board.

c. If the member receives no notice and had no knowledge of a regular meeting and gives the attorney general a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this rule.

d. The attorney general at the attorney general's discretion may accept or reject such resignation. If the attorney general accepts it, the attorney general shall notify the member, in writing, that the resignation is accepted pursuant to this rule. The attorney general shall then make another appointment to fill the vacancy.

61—9.6(912) Vacancies. Barring unusual circumstances, vacancies on the board shall be filled within 45 days after the attorney general is advised of the vacancy. Vacancies shall be filled for the remainder of the vacant term.

61—9.7(912) Meetings. The board shall meet a minimum of once per quarter. The board may also meet at the call of the chair or upon the written request to the chair of at least five members of the board.

61—9.8(912) Duties of board. The board shall adopt rules pursuant to Iowa Code chapter 17A relating to the administration of the crime victim assistance division including the adoption of administrative rules relating to the following:

1. Administration of grants received under the federal Victims of Crime Act of 1984 pursuant to Pub. L. No. 98-473, Title 2, Chapter 14, 42 U.S.C. Section 10601, as amended by the Children's Justice and Assistance Act of 1986, Pub. L. No. 99-401, 100 Stat. 903 and as amended by the Anti-Drug Abuse Act of 1988, Title VII, subtitle D, Pub. L. No. 100-690.

2. Administration of the Family Violence Prevention and Services Act grant pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. Section 10401, reauthorized in 1988, Pub. L. No. 100-294.

3. Administration of the domestic abuse and rape crisis funds and the Iowa domestic abuse hotline funds provided in Iowa Code chapter 236.

4. Administration of other grants or funds available by public law for victim assistance and administered by the department.

5. Administration of the victim compensation program provided in Iowa Code chapter 912.

6. Administration of sexual abuse examination payments as provided in Iowa Code section 915.41.

7. Appeal procedures for victim compensation claims denied by the department.

8. Appeal procedures for grants administered by the department and denied by the board.

61—9.9(912) Director and staff. The attorney general shall employ a director and staff for the victim assistance division and they shall be employees of the department.

61—9.10(912) Duties of department. In addition to the duties contained in Iowa Code section 13.13, the department shall:

1. Administer other funds, grants, or programs for victim assistance created by public law or the department.

2. Provide administrative support to the board.

3. Enter into agreements under Iowa Code chapter 28E or other law including agreements with other state agencies and political subdivisions for the transfer to the department of funds authorized by law for victim service programs.

4. Accept, use, and dispose of contributions of money, services, and property, which are made available by an agency or department of the state or any of its political subdivisions, the federal government, a private agency, or an individual, that are specifically designated for crime victim assistance programs.

61—9.11 to 9.24 Reserved.

Attorney General [61] Chapter 9
Division II
Crime Victim Compensation

Effective as amended January 2001

61—9.25(915) Administration of the crime victim compensation program. The crime victim assistance division of the department of justice shall administer the crime victim compensation program as provided in Iowa Code chapter 915. All questions, comments, requests for information, or applications for compensation shall be directed to: Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th, Lucas Building, Ground Floor, Des Moines, Iowa 50319; telephone (515)281-5044 or toll free (800)373-5044.

61—9.26(915) Definitions. For rules of the crime victim compensation program of the crime victim assistance division of the department of justice, the following definitions apply:

“Affinity” means the relationship of persons who are related by marriage, cohabitation, or engagement to be married.

“Applicant” includes the following individuals who file an application with the crime victim compensation program:

1. A victim of a crime as defined in Iowa Code section 915.80(6).
2. A person responsible for the care and maintenance of a victim.
3. A resident of Iowa who is the victim of an act that would be compensable had it occurred within the state of Iowa and the act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law.
4. In the event of a victim’s death, the spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim. An estate is not an eligible applicant for crime victim compensation. An estate shall, however, be reimbursed for funeral and burial expenses if the estate paid the costs on behalf of an eligible applicant who shall benefit from the proceeds of the estate.
5. A legal representative authorized to act on behalf of any of the persons listed above.

“Board” means the crime victim assistance board of the department of justice.

“Causal relationship” means that the crime would not have occurred without the action of the victim. A causal relationship exists if the actions of the victim result in a foreseeable injury, play a substantial role in the injury, or directly cause the injury.

“Claimant” means an applicant who has been found to be eligible for compensation.

“Cohabiting” means living in the same household. It is not necessary to establish that a sexual relationship exists between the parties.

“Compensation” means moneys awarded by the division as authorized in Iowa Code chapter 915.

“Consent” means to agree to a course of action or to voluntarily allow what is planned or done by another.

“Counseling” means problem solving and support concerning emotional issues that result from a compensable crime. Counseling is a confidential service provided in person on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person’s sense of well-being and social functioning. Counseling does not include victim advocacy services such as crisis telephone counseling; conversation in a nonprivate setting such as the common area of a shelter or a courthouse; transportation; or attendance at medical procedures, law enforcement interviews or civil and criminal justice proceedings.

“Crime” as defined in Iowa Code section 915.80 includes:

1. Conduct punishable as a misdemeanor or a felony.
2. Property crimes including but not limited to robbery, residential burglary, and residential arson, where there is a threat of personal injury or harm against a person.

3. Violation of a custody order in which the custodial parent suffers injury.

“Denial” means disqualification of an application or reduction in the amount of compensation paid.

“Department” means the department of justice, attorney general’s office.

“Dependent” means a person who is unable to care for himself or herself due to injury, disability, or minor age status.

“Director” means the director of the crime victim assistance division established in the department of justice.

“Division” means the crime victim assistance division of the department of justice.

“Incitement” means to urge forward or to goad to action.

“Income” or *“wages”* means gross income or gross wages.

“Medical care” means services provided by or provided under the supervision of a person licensed under Iowa law as a medical physician or surgeon, osteopathic physician or surgeon, chiropractor, podiatrist, physical therapist, acupuncturist, or dentist. Medical care also includes services rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

“Medically necessary” means items and services, prescribed by a medical provider under the prescriptive authority of the medical provider’s license, which are reasonably necessary to facilitate the victim’s physical and emotional recovery from the compensable crime.

“Pecuniary loss” means the amount of medical or medical-related expenses and shall include, but not be limited to, eyeglasses, hearing aids, dentures, prosthetic devices including those which were taken, lost, or destroyed during the crime, home health care, medications, counseling, pregnancy-related services, equipment rental or purchase, property alteration, transportation for emergencies and medical care provided outside the victim’s county of residence, or health insurance premiums covered by an employer previous to the victim’s disability from the crime. Pecuniary loss shall also include the loss of income that the victim has incurred as a direct result of the injury to the extent that the victim has not been and shall not be indemnified from any other source.

“Personal injury” or *“injury”* means bodily harm or mental suffering and shall include a victim’s pregnancy or miscarriage resulting from a crime.

“Program” means the crime victim compensation program of the department of justice.

“Provocation” means to cause anger, resentment, or deep feelings that cause or instigate another to take action.

“Public funds” means moneys provided by federal, state, county, city or other local government.

“Reasonable charges” means charges ordinarily charged by the provider of the service to the general public for services of a similar nature.

61—9.27(915) Duties of the division. The duties of the division shall include, but not be limited to, the duties provided for in Iowa Code sections 13.31 and 915.83, as well as:

1. To prepare appropriate forms for the filing and processing of compensation applications.
2. To conduct an administrative review of claims when a request for reconsideration is filed by an applicant with the director.
3. To receive moneys bequeathed, awarded, or donated to the crime victim assistance division by a public or private organization or individual.

61—9.28(915) Application for compensation. An applicant may file an application for compensation by telephone or in writing within two years of the occurrence or discovery of a crime pursuant to Iowa Code section 915.84(1). For a victim of sexual abuse when the offender has been referred pursuant to Iowa Code chapter 229A, the date of the discovery of the crime shall be considered to be the date when the referral was made. The department may waive the requirements of Iowa Code section 915.84(1) if good cause is shown.

9.28(1) Application postmarked. An application postmarked within the prescribed time period shall be considered timely filed.

9.28(2) Good cause. In determining whether there is good cause for waiver of the two-year application filing requirement, the victim’s age, physical condition, psychological state, cultural or

linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.

9.28(3) *Multiple erroneous claims.* When two or more applications are filed by or on behalf of an individual applicant during a calendar month and the applications appear on initial review to be erroneous claims based on innocent misrepresentation or circumstances of a similar nature, the claims shall be treated as a single application. Verification shall be investigated for each crime recorded in a file with multiple erroneous applications. If any of the crimes recorded in a combined application are verified as compensable crimes, the applications for compensation for those crimes shall be separated from the combined file and assigned distinct application numbers. The department will notify the applicant whenever two or more applications have been combined as one application.

9.28(4) *Program effective date.* The effective date of the crime victim compensation program is January 1, 1983. Victims and survivors of crimes that were committed prior to the effective date are not eligible for compensation.

9.28(5) *Concurrent primary and secondary applications.* A victim may be both a primary victim and a secondary victim in the same crime. The secondary victim application shall not be opened until a benefit has been exhausted for the primary application and there is documentation of need for further benefits in that category. The secondary victim application shall be considered timely filed if the primary victim application was timely filed.

9.28(6) *Concurrent secondary victim applications.* A victim may be a secondary victim to multiple primary victims in a crime. A subsequent secondary victim application shall not be opened until a benefit has been exhausted in the first secondary victim application and there is documentation of need for further benefits in that category. Subsequent secondary victim applications shall be considered timely filed if the primary victim application was timely filed.

61—9.29(915) Report to law enforcement. A person is not eligible for compensation unless the crime is reported to law enforcement pursuant to Iowa Code section 915.84(2). The department may waive the requirements of Iowa Code section 915.84(2) if good cause is shown.

9.29(1) *Law enforcement report sources.* The department finds there is good cause to accept that the report of a crime to any of the following is a report to law enforcement pursuant to Iowa Code section 915.84(2):

- a. Sheriffs and their regular deputies.
- b. Marshals and police officers of cities.
- c. Peace officers of the department of public safety.
- d. Special security officers employed by a board of regents institution as identified in Iowa Code section 262.13.
- e. Peace officers as authorized by Iowa Code section 350.5 or 456A.13.
- f. Employees of the department of transportation who are designated “peace officers” by resolution of the department under Iowa Code section 321.477.
- g. Correctional officers, including parole and probation officers.
- h. County and state prosecutors.
- i. An employee of the department of human services having jurisdiction to investigate the incident.
- j. A magistrate or judge of the Iowa court system.

9.29(2) *Elements of a report.* A victim is considered to have made a report to law enforcement when the victim has provided a true and accurate report of the incident, which shall include to the best of the victim’s knowledge:

- a. The nature of the crime,
- b. The location of the crime,
- c. The name, whereabouts and description of the suspect, if known, and
- d. The names of witnesses, if known.

9.29(3) *Law enforcement record.* A law enforcement trip record may satisfy the requirement that the crime be reported to law enforcement.

9.29(4) Good cause. In determining whether there is good cause for waiving the requirement to report a crime to law enforcement within 72 hours of the occurrence of the crime, the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.

9.29(5) Child victim. If the victim is a child as defined in Iowa Code section 232.2 and is reported to be a victim of child abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

9.29(6) Dependent adult victim. If the victim is a dependent adult as defined in Iowa Code section 235B.2(4) and is reported to be a victim of dependent adult abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

9.29(7) Sexual abuse victim. For a victim of sexual abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a sexual abuse evidentiary examination was completed within 72 hours of the crime and the victim files a subsequent law enforcement report.

9.29(8) Domestic abuse victim. For a victim of domestic abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a pro se protection order pursuant to Iowa Code chapter 236 is entered by the court and the victim files a subsequent law enforcement report.

9.29(9) Victim of a sexually violent predator. For a victim of sexual abuse, the department finds good cause to waive the 72-hour reporting requirement when the offender is referred pursuant to Iowa Code chapter 229A.

61—9.30(915) Cooperation with law enforcement. To be eligible for compensation, the victim of crime must cooperate with the reasonable requests of law enforcement.

9.30(1) Reasonable cooperation. Reasonable cooperation by the victim may include, but is not limited to, the following:

- a. Providing law enforcement with a true and accurate report of the crime.
- b. Participating in the investigation of the crime to assist law enforcement in the identification of a suspect as requested including the review of photographs, composites, and lineups.
- c. Participating in prosecution procedures including deposition and trial testimony as requested.

9.30(2) Determination of cooperation. In determining whether a victim reasonably cooperated with law enforcement, the division may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim.

9.30(3) Polygraph testing. In determining whether a victim reasonably cooperated with law enforcement, the refusal of a victim to undergo a polygraph examination shall not be the basis of denial.

9.30(4) Sexual abuse victim. A victim of sexual abuse shall be deemed to have reasonably cooperated with law enforcement if the victim undergoes a sexual abuse evidentiary examination.

9.30(5) Domestic abuse victim. A victim of domestic abuse shall be deemed to have reasonably cooperated with law enforcement if a report of the crime was made to law enforcement.

61—9.31(915) Contributory conduct. The division shall reduce or disqualify compensation when there is a causal relationship between the contributory conduct on the part of the victim and the victim's injury or death. Contributory conduct includes consent, provocation, or incitement of the crime on the part of the victim.

9.31(1) Consent, provocation, and incitement. In assessing consent, provocation or incitement on the part of the victim pursuant to Iowa Code section 915.87(2) "a," the division may consider factors including, but not limited to, the following:

- a. Whether charges are filed against the suspect;
- b. Whether the victim attempted to withdraw from the incident;
- c. Comparable or reasonable force on the part of the suspect in response to an action of the victim;
- d. The amount of time from the beginning of the interaction between the victim and the suspect and the criminal act committed by the suspect;

- e. The age of the victim; and
- f. Comparable size or strength of the victim and suspect.

9.31(2) *Additional assessment of consent.* In assessing the causal nature of consent pursuant to Iowa Code section 915.87(2)“a,” the division may consider the victim’s age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim.

9.31(3) *Consent in intoxicated driving cases.* A victim who was the passenger in the vehicle of a driver who has been determined to have been legally intoxicated at the time of the crash shall not be automatically denied eligibility for compensation. The division may consider whether the victim could have reasonably known the intoxication level of the driver, the driver’s behavior or judgment appeared impaired, the victim encouraged or discouraged the driver from driving, or the victim’s judgment was impaired.

9.31(4) *Additional assessment of provocation and incitement.* In assessing the causal nature of provocation or incitement pursuant to Iowa Code section 915.87(2)“a,” the division may consider law enforcement documentation that indicates:

a. *Retaliatory action.* The crime was committed as retaliation for a prior physical assault or injury committed by the victim against the perpetrator, and the victim could have reasonably foreseen the likelihood of retaliation.

b. *Gang action.* The crime was a direct result of gang activity, including gang initiation, or was inflicted as retaliation for prior gang activity in which the victim participated in a criminal street gang as defined in Iowa Code section 723A.1(2).

c. *Mutual combat.* The crime was an incident of mutual combat if the victim:

- (1) Initiated a physical altercation;
- (2) Made a credible threat of bodily harm against the person, took action to indicate the intent to carry out the threat and a physical altercation immediately followed; or
- (3) Accepted a verbal challenge to engage in a physical altercation, took action to indicate acceptance of the challenge and a physical altercation immediately followed.

d. *Exception to mutual combat.* Incitement and provocation are not present in an incident of mutual combat when a significant escalation of the fight, such as the introduction of a deadly weapon, is made by a person other than the victim or when a third party becomes involved resulting in more serious injury than the victim could have reasonably expected.

9.31(5) *Victim’s criminal act.* Contributory conduct includes assisting in, attempting, or committing a criminal act by the victim. A causal relationship must be documented between the injury or death for which compensation is sought and the criminal act of the victim.

61—9.32(915) Eligibility for compensation. The program shall determine the eligibility of an application for compensation.

9.32(1) *Determination of eligibility.* A denial of eligibility shall be based on written documentation that an application does not satisfy the requirements of Iowa Code chapter 915. An applicant shall be deemed eligible for compensation if the division has not obtained written documentation supporting a denial within six months of the date of the application. Notwithstanding the foregoing, the division may extend the determination of eligibility beyond six months if a court date or grand jury hearing is pending and is reasonably expected to result in information necessary to render an eligibility decision.

9.32(2) *Reopening applications.* Pursuant to Iowa Code section 915.83(2), the department may reopen and reinvestigate an application if the department determines that the decision was incorrect

or incomplete. A denied application may be reopened and reinvestigated if it is discovered through a criminal trial or other investigatory source that the information relied upon for the denial decision was incorrect or incomplete. The eligibility of an approved application will be reopened for consideration if information is discovered through a criminal trial or other investigatory source that indicates that there is reason to deny the application. The reopening of a denied or approved case is at the discretion of the administrator for the compensation program.

9.32(3) *Withdrawal of application.* An applicant may withdraw the application for compensation from consideration.

9.32(4) *Maximum compensation.* Compensation shall be reduced or disqualified to the extent that the maximum compensation allowable pursuant to Iowa Code chapter 915 and these rules has been awarded.

61—9.33(915) *Emergency award of compensation.* Emergency awards of compensation may be made if the applicant has incurred a loss of income or pecuniary loss as a direct result of the crime.

9.33(1) *Preliminary eligibility determination.* The program must determine that the application is likely to be eligible based on documentation available including, at minimum, the law enforcement verification form provided to law enforcement by the program.

9.33(2) *Documentation.* To make an emergency award of compensation, the program must have documentation of the lost wages or the pecuniary loss.

9.33(3) *Emergency award decision.* A decision denying an emergency award shall not be appealable.

9.33(4) *Offset.* Any emergency award shall be deducted from the final award of compensation made to the claimant.

61—9.34(915) *Computation of compensation.* The division shall determine the amount of compensation to be awarded to an eligible applicant.

9.34(1) *Benefit limits.* Compensation shall be made up to the benefit category limits in effect on the date the application is filed. For an eligible victim of sexual abuse when the offender has been referred pursuant to Iowa Code chapter 229A, compensation shall be paid for expenses incurred after referral of the offender.

9.34(2) *Payer-of-last-resort.* The program is a payer-of-last-resort pursuant to federal law 42 U.S.C. 10602(1403). Compensation shall not be paid for services when the provision for those services is mandated by law or administrative rule to be the responsibility of another governmental unit, private agency or program. Payments shall be reduced by payments made by offenders and third parties responsible for the damages of the crime.

9.34(3) *Voluntary financial programs.* Compensation applicants will be encouraged to apply for other financial assistance programs to pay costs resulting from the crime-related injury. However, no applicant will be denied compensation benefits based on the applicant's refusal to seek funds from a voluntary financial assistance program.

9.34(4) *Insurance providers.* Eligible victims and claimants must give service providers the information necessary to bill insurance providers for crime-related treatment. Payment of compensation will not be made if the victim refuses or fails to provide information requested by the service or insurance provider or sign the required assignment of benefits within a reasonable time frame.

9.34(5) *Supplanting of funds prohibited.* Compensation shall be made only when the claimant is responsible for the cost of crime-related injury. Compensation shall not be paid when a government entity, including but not limited to a mental health facility, jail, or prison, is responsible for the costs of treatment for injury from crime.

61—9.35(915) *Computation of benefit categories.* The division shall determine the amount of compensation to be awarded to an eligible applicant for injury from crime for each benefit category pursuant to Iowa Code section 985.86.

9.35(1) *Medical care.* Compensation may be paid for the reasonable expenses of medical care provided to eligible crime victims by, or under the supervision of, a person licensed by the state

under Iowa Code chapter 147, 148, 148A, 148E, 149, 150A, 151, 152C, or 153. When preexisting medical conditions are treated during crime-related medical care, the program may reduce payment to a percentage equal to the portion of the medical care determined to be directly related to the compensable crime. Medical care expenses include the following:

a. Medical care sanctioned by sovereign nations and tribes. Compensation may be paid for medical care rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

b. Medical counseling costs. Compensation may be paid for counseling provided under the direct supervision of a psychiatrist or other physician and shall be applied toward the medical benefit maximum.

c. Medical care for homicide victim survivors. Compensation may be paid to the spouse, child, parent, sibling, or person related by blood or affinity to a homicide victim for the same types of medical care which are allowable for primary victims, including but not limited to hospital and physician care, psychiatric care, prescriptions, and transportation expenses related to injury from the crime.

d. Medical equipment and property alteration. Compensation may be paid for equipment and property alteration which are prescribed as medically necessary care due to injury from the crime.

e. Medical supplies. Compensation may be paid for medical care supplies and incidental supplies necessary for medical care due to injury from the crime.

f. Medical care for pregnancy. Compensation may be paid for medical care costs related to pregnancy resulting from the crime of sexual abuse. Eligible expenses for care of the victim shall be paid. Expenses incurred for care of a newborn child are not compensable.

g. Medical devices. Compensation may be paid for the replacement of a medical device including but not limited to a sight or hearing device, dentures, prosthetic device, wheelchair, and medication that was taken, lost or destroyed during the crime.

h. Transportation for medical emergency. Compensation may be paid for the reasonable cost of transportation in a medical emergency by private vehicle at the state rate for boards and commissions per mile. Mileage will be based on mileage calculation from the most current map published by the department of transportation. Transportation within a city limits will be based on the program's estimate of mileage from the location of the injured victim to the medical facility.

i. Transportation for non-emergency care. Compensation may be paid for the cost of transportation by commercial vehicle or by private car for non-emergency medical care and counseling received outside of the victim's county of residence. Transportation provided by private vehicle for non-emergency care will be reimbursed at the state rate for boards and commissions per mile. Mileage will be based on mileage calculation from the most current map published by the department of transportation.

j. Transportation medical benefit. Compensation may be paid for transportation from the applicable medical care or counseling benefit category. The available funds to the victim from the applicable benefit category will be reduced by the amount of compensation paid for transportation.

k. Health insurance. Compensation may be paid for premiums to continue a health insurance policy that was provided in whole or in part by the victim's employer prior to the crime and the employment ceased as a result of the crime.

9.35(2) Medical care records. When compensation for medical care is requested, the provider shall submit medical records that document the care provided and show that the medical care is for injury from crime.

9.35(3) Mental health counseling. Compensation may be paid for the reasonable costs of mental health counseling for eligible crime victims and survivors of a homicide victim. When preexisting mental health issues are addressed during crime-related counseling, the program may reduce

payment to a percentage equal to the portion of the counseling determined to be directly related to the compensable crime. The mental health counseling provider shall submit a vitae establishing the provider's educational qualifications for compensation. A provider who is required to be licensed under Iowa law must provide proof of licensure and good standing with the professional licensing board. Compensation shall be paid for mental health counseling provided by the following:

a. Master's level counselor. Compensation may be paid for mental health counseling provided by a person holding at least a master's degree in a mental health or counseling field including but not limited to social work, psychology, guidance and counseling, behavioral sciences, art therapy, marriage and family therapy, child life therapy, and advanced mental health registered nursing.

b. Supervised mental health counselor. Compensation may be paid for mental health counseling provided by a counselor who does not have a master's degree but is under the supervision of a counselor with a master's degree. The supervising mental health counselor must sign the session notes, which must be submitted for review by the program.

c. Intern mental health counselors. Compensation may be paid for mental health counseling provided by an intern candidate for a master's degree when the counseling is provided within a course of professional education and the intern is supervised by a provider eligible for compensation.

d. Out-of-state providers. Compensation may be paid to mental health counselors outside Iowa who provide services to victims of crime eligible for the Iowa program if the mental health counselor meets the professional licensure criteria of the state in which the counselor works.

9.35(4) Mental health counseling records. When compensation for mental health counseling is requested, the provider shall complete verification forms related to the counseling as follows:

a. Treatment plan and certification form. Information submitted on the treatment plan and certification form shall include, but not be limited to, a summary of the initial evaluation, any preexisting mental health diagnoses currently being treated, current diagnoses, issues addressed, counseling goals, expected length of counseling services, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

b. Treatment progress and certification form. At six-month intervals for the duration of the crime-related mental health counseling, the provider shall submit a treatment progress and certification form. Information on the form shall include progress on previously stated goals of counseling, current goals, current diagnosis, expected length of additional counseling, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

c. Session notes. The program may require submission of session notes to determine if the mental health counseling is directly related to the crime when:

(1) The counseling expenses for a victim exceed \$3,000.

(2) The provider has not completed the treatment and certification plan with statement of the percentage of treatment directly related to the crime.

(3) The counseling begins, or is provided, more than one year after the crime.

(4) The treatment plan or progress summary indicates that the victim is receiving treatment for a diagnosis or issue not exacerbated by the crime.

9.35(5) Victim service counseling. Reasonable charges for counseling provided by a victim counselor as defined in Iowa Code sections 236A.1 and 915.20A, when fees for services to the general public for services of a similar nature have not previously been established, may be paid within the following guidelines:

a. Counselors funded with VOCA. Counseling provided by victim counselors whose position is funded, in whole or in part, or whose position is used as match requirement for federal Victims of Crime Act fund shall not be eligible for compensation payment.

b. Computation of victim service counseling expenses. Counseling services provided to an eligible victim by a victim counselor may be compensated as follows:

(1) Individual counseling at an hourly rate of \$35.

(2) Group counseling at an hourly rate of \$20.

c. Compensation paid, combined with other funding sources for the service, shall not be in excess of the total cost of providing the counseling hour.

9.35(6) *Victim service counseling records.* A record of each counseling session shall be maintained in the victim's file including the date of service, the length of service, the name of the victim counselor who provided the service, the general topics addressed, and referrals made.

9.35(7) *Counseling with the perpetrator.* Compensation for mental health or victim service counseling that includes the perpetrator of the crime may be payable when the perpetrator takes part only to take responsibility for the crime and apologize to the victim and the victim is allowed to confront the perpetrator regarding the effects of the crime.

9.35(8) *Family counseling.* Compensation for family mental health or victim service counseling may be paid only for sessions where the victim is present and the focus of the session is to assist the victim in recovery from a compensable crime.

9.35(9) *Lost wages or income.* Compensation may be paid for reasonable lost wages or income when an eligible crime victim is unable to work as the result of injury from crime or as a result of cooperation with the investigation or prosecution of the crime. Lost wages or income due to crime is determined as follows:

a. *Gross wages computed.* Lost wages are computed as the gross rate of pay times the number of scheduled hours of work missed.

b. *Variable income.* Income that is variable shall be computed based on the average income earned during a minimum 28-day period within the three months preceding the crime. Estimated earnings not supported by past income statements shall not be accepted.

c. *Self-employment and small business income.* Self-employed persons or small business employees must provide federal or state income tax forms for the most recent year completed or verification of average income for a minimum of the past six months. Work estimates, labor contracts, and affidavits from individual employers may be used to establish wages.

d. *Vacation, sick, holiday and annual leave.* Lost wages or income paid shall not be reduced by vacation, sick, holiday, or annual leave available or used by the victim due to the crime.

9.35(10) *Lost wages or income due to disability.* Compensation shall be paid for lost wages incurred by an eligible crime victim within two weeks after injury from crime or an eligible survivor of a homicide victim for up to five days within two weeks after the death of a victim without an authorized disability statement. Compensation for lost wages may be paid to the spouse, child, or parent of the homicide victim for up to one month without a disability statement as determined reasonable by the program. A victim or survivor of a homicide victim seeking lost wages for a longer period of time shall submit a disability statement from a licensed physician. Compensation shall be made for lost wages under the following circumstances:

a. *Victim injured.* Compensation may be paid when the victim cannot work due to injury from crime.

b. *Lost hire income.* Compensation may be paid when the victim has been hired by an employer but is unable to begin employment because of injury due to the crime, until medically released to work. Required documentation includes a signed affidavit by the employer.

c. *Employment terminated.* Compensation may be paid when the victim is terminated from employment as a result of crime-related injuries, until medically released to seek work.

d. *Unemployment eligible.* Compensation may be paid for the difference between the victim's gross wage and the unemployment benefit when the victim is terminated from employment because of injury from crime and is found to be eligible for unemployment benefits.

e. *Unemployment ineligibility.* Compensation may be paid for the amount of the victim's unemployment benefit when the victim is rendered ineligible for unemployment benefits because of injury from the crime, until the victim is medically released to work.

f. *Worker compensation benefit eligible.* Compensation may be paid for the difference between the victim's gross wage and the worker compensation benefit when the victim is unable to work

because of injury from crime and is found to be eligible for worker compensation benefits.

g. Medical and counseling appointments. Compensation may be paid to a primary victim, the parent or guardian of a minor aged primary victim, or the caretaker of a dependent adult primary victim for wages lost due to medical care or counseling appointments for the victim.

9.35(11) *Lost wages or income during investigation and prosecution.* Compensation may be paid for lost wages incurred by an eligible primary victim, survivor of a homicide victim as described in Iowa Code section 915.86(8), parent or guardian of a minor aged primary victim, or caretaker of a dependent primary victim while cooperating with the investigation and prosecution of the crime including, but not limited to, participation at identification sessions, arraignment, deposition, plea agreement meetings, trial, sentencing, parole and probation hearings, and sexually violent predator civil commitment proceedings.

9.35(12) *Residential crime scene cleanup.* Compensation may be paid for the reasonable costs of an eligible victim or applicant for cleaning a residential crime scene, which includes a home, or a private vehicle in which the crime was committed. Cleaning a residential crime scene means to remove, or attempt to remove, from the crime scene blood, dirt, stains, or other debris caused by the crime or the processing of the crime scene. Compensation shall be paid for the reasonable out-of-pocket cost of cleaning supplies, equipment rental, labor, and the value of property which is essential to the victim and which is held by law enforcement for evidentiary purposes. Cleaning a residential crime scene does not include replacement or repair of property damaged in the crime.

9.35(13) *Loss of support.* Compensation for loss of support may be paid for the dependents of an eligible homicide victim or of a victim disabled for a period of 60 days or more when the applicant documents that the dependent relied on the victim wholly or partially for physical care or financial support.

a. Period of dependency. Compensation may be paid for loss of support for the remaining period of dependency, up to the limits established in Iowa Code section 915.86(5), in an amount equal to the lost wages or income the victim was earning at the time of death or disability. The amount of compensation shall be subject to reduction by the amount of collateral sources designated as support pursuant to Iowa Code section 915.87(1).

b. Dependent care. Compensation may be paid for loss of support at the current hourly rate of the Iowa minimum wage for dependent care provided by a person other than the victim if the victim was providing physical care to the dependent at the time of the crime.

9.35(14) *Clothing and bedding.* Compensation may be paid for clothing and bedding held as evidence by law enforcement and not returned to the victim. Compensation shall not be made for the clothing of a deceased victim which is held as evidence.

9.35(15) *Funeral and burial expenses.* Compensation may be paid for reasonable expenses incurred for the funeral and burial or cremation for an eligible crime victim. The following expenses may be paid up to the maximum expense established in Iowa Code section 915.86(4):

a. Funeral service. Compensation may be paid for expenses related to funeral and burial or cremation preparation and services.

b. Burial plot and vessel. Compensation may be paid for the cost of a burial plot, vault, casket, urn, or other permissible vessel.

c. Burial effects. Compensation may be paid for miscellaneous funeral and burial expenses including, but not limited to, flowers, burial clothing for the victim, transportation of the victim's body, and travel and lodging expenses for survivors of the homicide victim as described in Iowa Code section 915.87(8) with priority for the surviving spouse, children, and parents of the victim. Documentation must be provided for all miscellaneous funeral and burial expenses.

61—9.36(915) Appeal of compensation decisions. An applicant shall be informed in writing of the basis for the denial of eligibility or the amount of an award.

9.36(1) *Applicant appeal.* An applicant may appeal a compensation decision as follows:

a. Appeal to director. An applicant aggrieved by a denial decision or the amount of compensation awarded by the program may appeal to the director.

b. Appeal to board. An applicant may appeal the director's decision to the board.

c. Appeal to district court. An applicant who disagrees with the decision of the board has the right to appeal to the district court for judicial review within 30 days of receipt of the board's decision.

9.36(2) Director appeal period. An applicant shall submit to the director a written request for reconsideration within 30 days of the date the notice of the crime victim compensation program decision is mailed or otherwise issued by the division. Any request for reconsideration postmarked within the prescribed time period shall be considered timely filed by the division. Barring any unusual circumstances, within 30 days of the receipt of the request for reconsideration, the director shall issue a decision.

9.36(3) Board appeal period. An applicant may file with the board a request for consideration of the director's decision. This written request for consideration by the board shall be submitted within 30 days of the date the notice of the director's decision is mailed or otherwise issued by the director. Any request for review postmarked within the prescribed time period shall be considered timely filed by the division. Barring any unusual circumstances, within 90 days of the receipt of the request, the board, or a committee designated by the chair of not fewer than five members of the board, shall issue a decision.

9.36(4) District court appeal period. An applicant shall submit a petition for judicial review to the district court within 30 days of the receipt of the notice of the board's decision.

61—9.37 to 9.49 Reserved.

Attorney General [61] Chapter 9
Division III
Victim Services Grant Program

Effective as amended May 1995

61—9.50(13) Administration of the victim services grant program. The victim services grant program of the Iowa department of justice shall administer the victim services grants as provided in Iowa Code chapters 13 and 236. All questions, comments, requests for information, or applications for grant funds shall be directed to: Victim Services Grant Program, Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th, Lucas Building, Ground Floor, Des Moines, Iowa 50319; telephone (515)281-5044 or toll free (800)373-5044.

61—9.51(13) Definitions. As used in this chapter:

“Applicant” means a victim service program providing direct services to crime victims or technical assistance to crime victim service providers that makes a request for funds from the victim services grant program.

“Application” means a request which complies with federal and state requirements for funds from the following:

1. The Federal Victims of Crime Act pursuant to Pub. L. No. 98-473, Title 2, Chapter 14, 42 U.S.C. Section 10601 as amended by the Federal Children’s Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903 (1986).
2. The domestic abuse funding provided for in Iowa Code chapter 236.
3. The Family Violence Prevention and Services Act pursuant to the Federal Child Abuse Amendments of 1984 Pub. L. No. 98-457, 42 U.S.C. Section 10401.
4. Other grants or funds available by law for crime victim assistance.

“Board” means the crime victim assistance board.

“Department” means the Iowa department of justice.

“Director” means director of the crime victim assistance division of the department of justice.

“Division” means the crime victim assistance division of the Iowa department of justice.

“Grant” means a victim services grant award.

“Grantee” means the Iowa department of justice when it administers a grant from a federal or state agency.

“Grant review committee” means a department of justice committee designated to review grant applications.

“Program” means the victim services grant program in the Iowa department of justice.

“RFP” means request for proposals.

“Subgrantee” means any applicant receiving grant funds from this program.

“Victim” means a crime victim as defined in Iowa Code section 912.1(5).

61—9.52(13) Program description. Any eligible public agency or nonprofit organization or a combination thereof may apply for and receive a grant through the program. The program shall operate as a competitive grants program and be administered by the department. Contractual agreements specifying the terms of the grant award shall be executed between the department and approved applicants.

61—9.53(13) Availability of grants. In any year in which federal or state funds are available, the department shall administer grants to eligible applicants. The amount of the funds awarded shall be contingent upon the funds available. The director shall announce the opening of an application period through public notice. Applications must be submitted by the designated due date.

61—9.54(13) Application requirements. Applicants shall submit applications to: Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th, Lucas Building Ground Floor, Des Moines, Iowa 50319. Applications shall be in the form prescribed by the department and shall be available upon request to all interested parties.

9.54(1) In order to be included in the review process and considered for funding, an application shall be received in the offices of the division by 4:30 p.m. on the due date. Applications may be delivered to the division during regular business hours anytime prior to the deadline. An extension of the filing deadline may be requested of the director or grant administrator prior to the deadline and may be granted for good cause. The determination of a good cause extension by the division shall be final.

9.54(2) An applicant shall have on file with the department current copies of the applicant's table of organization and articles of incorporation.

9.54(3) An applicant shall have on file with the department evidence of any insurance coverage the applicant carries for liability or property.

61—9.55(13) Contents of application. Each application shall contain the following information:

9.55(1) A brief narrative describing the agency or unit of local government requesting funding.

9.55(2) A description of services for which funding is being requested which includes, but is not limited to, the following:

- a. The geographical area to be served.
- b. The target population to be served.
- c. Victim eligibility requirements.
- d. Description of substantial financial support from other sources.
- e. Intended use of volunteers, if any.
- f. Stated goals and objectives of the program.
- g. A description of the proposed victim service or technical assistance including a time schedule for implementation.
- h. The amount of grant funds requested.
- i. The amount of cash or in-kind resources or combination thereof, which is committed as required by the program.
- j. A description of how the proposed victim service or technical assistance will provide or improve direct services to victims of crime.
- k. Proof of coordination with appropriate agencies at the local level.
- l. A total program budget for all services provided by the applicant.
- m. A proposed budget for the requested grant funds.
- n. A list of other anticipated sources of income, including written commitments, if possible, and plans for continued funding of the grant funded activities.
- o. Other information identified in the RFP.
- p. Signed certified assurances as required by statute or regulation.

61—9.56(13) Eligibility requirements. Funds must be used only to provide services to victims of crime or technical assistance to victim service providers. Program grants cannot be used to supplant other available or mandated funds. An applicant must meet the following requirements:

9.56(1) Be operated by a public agency or nonprofit organization, or combination thereof, that provides services to crime victims. Services provided to victims may include but are not limited to crisis intervention services, law enforcement and court advocacy, group and individual counseling, transportation, and information and referral services. An applicant providing services to victims of domestic abuse must also have the capacity to provide or arrange safe shelter for victims and their children. An applicant providing services to victims of sexual assault must have the capacity to provide support to victims at the time of an evidentiary sexual abuse examination.

9.56(2) An existing program must be able to document results of prior programming that demonstrates that the needs of victims have been met effectively and that the applicant has financial support from other sources.

9.56(3) Promote within the community a coordinated public and private effort to assist victims.

9.56(4) Be an equal opportunity employer and provide services on an equal opportunity basis.

9.56(5) Comply with applicable federal and state statutes or rules, any requirements specified in the grant between the department and any outside funding source, and any requirements in the RFP or any other contractual document.

9.56(6) Assist victims in seeking state compensation benefits.

9.56(7) Have a grievance procedure established for victims, employees and volunteers.

9.56(8) Ensure that all employees and volunteers that provide direct services to victims are trained as victim counselors as defined in Iowa Code section 236A.1.

9.56(9) Provide services within the geographic service area without regard to a victim's ability to pay.

61—9.57(13) Selection process. The department shall conduct a preliminary review of each application to ensure that the applicant is eligible, the application is complete, and the proposed victim service or technical assistance is consistent with the division's mission of providing assistance to crime victims and crime victim programs.

9.57(1) A grant review committee shall be established by the department for the purpose of reviewing grant applications. The committee shall submit recommendations for grant awards to the director and board.

9.57(2) The board shall determine final subgrantees and grant awards to the extent that funds are available and to the extent to which applications meet the RFP criteria. The board may reject any or all applications.

61—9.58(13) Notification of applicants. Applicants shall be notified within 60 days after the application due date whether their application has been denied or the board is interested in negotiating a contract regarding their proposal.

61—9.59(13) Request for reconsideration.

9.59(1) Applicants may file a request for reconsideration of the denial or amount of an award with the board. The request for reconsideration must be submitted within ten working days of the date the notice of decision is mailed or otherwise issued by the director to the subgrantee. The request must state adequate grounds for reconsideration. The board or a committee designated by the board chair shall review the request and evidence submitted in a timely manner. A decision of the board or designated committee shall constitute final agency action.

9.59(2) At the time a request for reconsideration is received by the director, notice that a request for reconsideration has been filed shall be sent to all approved applicants whose funds may be affected by the request.

9.59(3) Funds shall not be disbursed pending a request for reconsideration to the extent that the funds are affected by the outcome of the request. All applicants who would be adversely affected shall be notified if a request for reconsideration is approved and grant awards shall be reduced as necessary.

61—9.60(13) Contract agreement.

9.60(1) A contract shall be negotiated by the department and the applicant.

9.60(2) The department or the board may require modification of the proposed program, submission of further information or documents, or other contingency on the part of the applicant prior to entering into contract. The required modification, information, document, or contingency shall be specified in the notification of grant award.

9.60(3) The applicant or the department may request a modification of the program budget to reflect the amount, expenses and activities allowed by the grant award. Both parties must agree to any modification of the subgrantee program budget.

9.60(4) In the event of a state, federal, or other audit, the subgrantee shall be responsible for the audit and liable for payment of any funds required to conduct the audit, to compensate for any grant disallowance, or to repay any funds received or spent contrary to the contract, these rules, or applicable law.

9.60(5) Funds shall be spent to meet the program goals as provided in the contract. Expenditures shall be reimbursed pursuant to regular reimbursement procedures of the state of Iowa.

9.60(6) The subgrantee shall sign the certified assurances for the grant program at the time of application and at any time requested by the division.

9.60(7) Nothing in these rules shall be construed as limiting the remedies available to the state or the program for improper use of grant funds or other breach of the subgrantee's duties under the contract and applicable law.

61—9.61(13) Performance reports. Performance reports shall be submitted to the department from all subgrantees. Failure to submit reports by the due date shall result in suspension of financial payments to the subgrantee by the grantee until such time as the report is received. Delinquent or inadequate reports from prior grants may detrimentally influence the award of grants for the following year.

61—9.62(13) Termination. Contracts may be terminated for the following reasons:

1. Termination by subgrantee. The contract may be terminated by the subgrantee at any time during the contract period by providing notice to the department.

2. Termination by department. The department may terminate a contract upon a ten-day notice when the subgrantee or any of its subcontractors fail to comply with the grant award stipulations, standards or conditions. The department may terminate a contract when there is a reduction of funds by executive order or otherwise.

3. Termination for cause. If the subgrantee fails to fulfill its obligations under the agreement properly or on time, or otherwise violates any provision of the agreement, the board may terminate the agreement by written notice to the subgrantee. The notice shall specify the acts or omissions relied on as cause for termination. All finished or unfinished products and services provided by the subgrantee shall, at the option of the department, become the state's property. The department shall pay the subgrantee fair and equitable compensation for the satisfactory performance prior to receipt of notice of termination minus any funds owing to the department, e.g., damages for breach, improperly spent funds.

61—9.63(13) Financial statement supplied. Within 45 days of the termination, the grantee shall supply the department with a financial statement detailing all costs up to the effective date of the termination.

61—9.64(13) Indemnification. The subgrantee shall defend, indemnify, and hold harmless the state of Iowa, its officers, agents and employees and any of the state's federal funding sources for:

1. Subgrantee's performance or nonperformance of a contract entered into or violation of these rules.

2. Subgrantee's activities with subcontractors and all other third parties, or any other act or omission by a subgrantee, its agents, officers, and employees.

61—9.65(13) Records. Subgrantees shall keep statistical records of services provided and any other records as required by the department. The department shall have immediate access to records pertaining to the contract during working hours. No notice need be provided the subgrantee prior to inspection of the records.

61—9.66 to 9.79 Reserved.

Attorney General [61] Chapter 9
Division IV
Sexual Abuse Examination Payment

Effective as amended July 1992

61—9.80(709) Administration of sexual abuse examination payment. The crime victim assistance program of the department of justice shall administer the sexual abuse examination program as provided in Iowa Code section 709.10. That section states in part: “The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be borne by the department of justice.” Requests for payment should be addressed to: Sexual Abuse Examination Payments, Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th, Lucas Building, Ground Floor, Des Moines, Iowa 50319; telephone (515)281-5044 or toll free (800)373-5044.

61—9.81(709) Definitions.

“*Administration*” means administrator of the crime victim assistance program established in the department of justice.

“*Board*” means crime victim assistance board.

“*Department*” means the Iowa department of justice.

“*Eligible claimant*” means a medical provider that provides a sexual abuse examination to a sexual assault victim. The following are eligible to file a claim with the crime victim assistance program in the event that they have made payment to a medical provider for the costs of a sexual abuse examination:

1. A victim of sexual abuse.
2. A person responsible for the maintenance of a sexual abuse victim.
3. A dependent of a victim who has died as a result of injuries sustained in a sexual assault.
4. The guardian of a sexual abuse victim.

“*Reasonable charges*” means those ordinarily charged by the provider of the service to the general public for services of a similar nature.

“*Sexual abuse*” means sexual abuse as defined in Iowa Code sections 709.1 and 726.2.

“*Sexual abuse examination*” means a medical examination provided to a woman, man, or child to collect evidence of sexual abuse as defined in Iowa Code sections 709.1 and 726.2 and provide treatment for the prevention of venereal disease pursuant to Iowa Code chapter 709. When applicable, the provider of a sexual abuse examination shall file a child abuse report with the Iowa department of human services as required by Iowa Code section 232.70.

61—9.82(709) Application for sexual abuse examination payment.

9.82(1) Consideration for payment. The department will consider payment upon receipt of a claim for reimbursement from a medical provider indicating that the claim is for the collection of evidence by sexual abuse examination. In the case that a victim, guardian of a victim, person responsible for the victim, or dependent of a victim who died of injuries sustained in a sexual assault has paid part or all of the charges incurred, a copy of the provider bill and documentation of personal payment of the bill must be submitted for reimbursement. An application for sexual abuse examination payment must include the federal identification number or social security number of the claimant.

9.82(2) Application filing. To apply for payment under the sexual abuse examination program, the form or bill submitted must identify the sexual assault victim by name, birth date, and patient number, indicate that the claim is for a sexual abuse examination, and itemize all services rendered and the fee for each service.

61—9.83(709) Computation of sexual abuse examination payments.

9.83(1) *Payment for examination.* The department shall make payment for sexual abuse examinations, as appropriate, for the following services:

a. Physician's fee for collection of:

1. History,
2. Physical,
3. Collection of specimens,
4. Two return visits to test for venereal disease,
5. Treatment for the prevention of venereal disease.

b. Emergency department.

1. Emergency room, clinic room or office room fee,
2. Pelvic tray.

c. Laboratory.

1. Wet mount for sperm,
2. Fixed smear for sperm (pap),
3. Swabs for: Acid phosphatase, ABH antigen.
4. Blood typing,
5. Serology for syphilis, and Hepatitis B,
6. Cultures for gonorrhea, chlamydia, trichomonas, and other sexually transmitted disease,
7. Pregnancy testing,
8. Urinalysis,
9. Other laboratory tests that are required for the purpose of evidentiary examination.

9.83(2) *Provider payment.* The department will pay up to \$200 for the emergency room, or \$125 for a clinic or office room, and \$100 for physician fees. Any charges in excess of these amounts will require additional documentation from the provider. The crime victim assistance program will pay only those charges determined by the department to be reasonable and fair. The department will not make payment for the cost of commercial or government prepared sexual abuse kits. The Iowa department of public safety division of criminal investigation makes sexual abuse examination kits available to medical providers at no cost.

61—9.84(709) Victim responsibility for payment. A victim of sexual abuse is not responsible for the payment of the costs of a sexual abuse examination determined to be eligible for payment by the department. A medical provider shall not submit any remaining balance after sexual abuse examination program payment to the sexual abuse victim.

61—9.85(709) Sexual abuse examination—right to restitution. In all criminal cases under Iowa Code chapter 709 and sections 726.2 and 710.2 in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, restitution may be ordered from the offender to the crime victim assistance program for the cost paid by the department for a sexual abuse examination rendered to the victim of that crime pursuant to Iowa Code section 910.2.

61—9.86(709) Erroneous or fraudulent payment—penalty. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipients, the recipient is liable for repayment of the reparation. However, if the department does not notify the recipient of the erroneous payment or overpayment within one year of the date of payment, the recipient is not responsible for repayment to the department. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment to the department.

61—9.87(709) Right to appeal. An eligible claimant who disagrees with the department's decision concerning payment or amount of payment has the right to request reconsideration of that decision by the crime victim assistance board. The request for reconsideration must be received by the department within 60 days after the decision of the department is mailed.